

Voting Procedures

Chairman: Introduce the item

Staff: Presents the item

Chairman: Ask for those wishing to speak in support, then asks for those wishing to speak in opposition. Note: Planning Commission does not “debate” the issue at this time.

Chairman: Following presentation by staff and comments by the public, the chairman asks for a (main) motion. Motions should be in the positive not the negative.

Example: I move to approve as submitted or I move to approve with staff comments. **I second the motion.**

Chairman: Asks for discussion on the main motion.

Planning

Commission: Discussion, questions and debate by the planning commission. It is very helpful if the Planning Commission articulate why they are voting on an item and especially if voting against the motion to approve.

Chairman: Following Planning Commission discussion, the chairman asks for any amendments. If there are any amendments then a motion to amend and a second is required. Ask for discussion on the motion to amend. The vote on the amendments and if the amendments are approved, then;

Chairman: Calls for a vote on the amended main motion, or if the main motion was not amended then vote on the main motion.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
February 12, 2019**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. APPROVAL OF MINUTES FROM January 10, 2019

IV. STAFF COMMENTS AND PROCEDURES

1. Huntington Chase Commercial, Phase 2- Preliminary Plat- A request by Crafton Tull & Associates.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

2. Variance #5-2-19; A request by Sarah Hopper, agent, for Harp's Food Stores, Inc. from UDO Section 27-601-14(B)(3) requirements for a 12' passing aisle for a drive-through window at 3401 South 74th Street.
3. Variance #6-2-19; A request by Bobby Aldridge, P.E., agent, for Madelyn Catsavis Revocable Family Trust and George Catsavis, from UDO Section 27-602-3(B)(C) Perimeter Landscaping and Parking Lot Screening at 601 Garrison Avenue.

**RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION**

4. Conditional Use #4-2-19; A request by Bobby Aldridge, P.E., agent, for Madelyn Catsavis Revocable Family Trust and George Catsavis, for a parking lot addition at 601 Garrison Avenue.
5. Rezoning Application #3-2-19; A request by Carroll King, owner, for a zone change from not zoned to a Planned Zoning District (PZD) at 7704, 7708, and 7714 Fort Chaffee Boulevard.
6. Conditional Use #5-2-19; A request by Tony Leraris, agent, for Sinclair Armstrong, for a Restaurant (with outdoor dining) at 4120 Rogers Avenue.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
January 10, 2019 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe, Griffin Hanna and Bob Cooper.

Chairman Keesee then called for a motion on the minutes from the December 11, 2018, meeting. Commissioner Sharpe made one amendment. Commissioner Taylor moved, seconded by Commissioner Hanna, to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

1. Conditional Use #2-1-19; A request by Carmen Geoates, agent, for Brunswick Properties, LLC, for a Specialty Manufacturing at 101 North 10th Street, Suite B.

Chairman Keesee introduced item 1. Ms. Brenda Andrews read the staff report indicating approval of the conditional use would allow Garmen Geoates, owner for Keep it Gypsy, to utilize a suite within Brunswick Place to manufacture leather purses. Ms. Andrews stated that a neighborhood meeting was held Thursday, December 18, 2018, at 101 North 10th Street, Suite B. No neighboring property owners or adjacent tenants attended the meeting. She stated that the applicant has proposed to purchase a portable air filtration system to eliminate the odor associated with the laser machine that is used in the process.

Carmen Geoates was present to represent the application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the conditional use. Commissioner Taylor moved, seconded by Commissioner Morris, to approve the conditional use, subject to the following staff comments:

- The elimination of the odor associated with the laser machine by either installing the proposed air filtration system or by other methods compliant with the building and fire codes and applicable CBID Design Guidelines.
- The replacement of the plywood in the window adjacent to North 10th Street with the glass that was removed or with the same type and tint of glass.
- The removal of the vents installed through the window opening associated with the laser machine.

- If any signage is proposed, the applicant shall submit a sign permit application to the planning department for review and approval and in compliance with CBID signage regulations.
- Revise the current business license application to reflect the land use of Specialty Manufacturing.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the conditional use was approved.

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

2. Variance #4-1-19; A request by Tim A. Risley and Associates, agent, for Palmer-Hanson, LLC, for minimum number of parking spaces at 8620 Rogers Avenue.

Chairman Keesee introduced item 2. Ms. Maggie Rice read the staff report indicating approval of the variance would allow the building permit to be issued for the new tenant (nail salon) and allow the shopping center to continue as currently leased. Ms. Rice indicated that a neighborhood meeting was held on January 2, 2019, at 10:00 a.m. at 6101 Phoenix Avenue. No surrounding property owners were in attendance.

Larry Hall was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the variance. Commissioner Wilson moved, seconded by Commissioner Taylor, to approve the variance, subject to the following staff comments:

- The mix of tenants in the shopping center needs to stay substantially the same with regards to the parking requirements established with this variance approval. The variance approval will allow 86 parking spaces in lieu of the UDO required 141 parking spaces. Additional or new businesses that increase the parking space requirement from 141 parking spaces will require a revised variance application to be approved by the Board of Zoning Adjustment.
- Parking shall not be permitted on South 87th Street.
- A joint parking agreement with the adjourning development is encouraged.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the variance with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

- 3. Variance #1-1-19; A request by Everett Fields, agent, for Roy and Klona Holland, from 51 parking spaces to 29 parking spaces at 7501 Rogers Avenue.**
- 4. Conditional Use #1-1-19; A request by Everett Fields, agent, for Roy and Klona Holland, for a Restaurant (with outdoor dining) at 7501 Rogers Avenue.**

Chairman Keesee introduced item 3 and 4. Ms. Brenda Andrews read the staff reports indicating approval of the requested variance and conditional use would allow the redevelopment of the property with a new Raising Cane's restaurant with a total of 110 seats, including 80 seats indoors and an outdoor dining area with 30 seats with 29 minimum parking spaces. Ms. Andrews reviewed the parking analysis that the applicant had submitted as justification for their variance.

LuAron McCormack representing Raising Cane's spoke about the applications and the parking analysis.

A representative of the Residence Inn Marriott at 3005 South 74th Street spoke in favor of the variance stating that many of their customers would walk to the restaurant as opposed to driving.

David Harris of 2025 South V Street spoke in opposition of the variance request.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Laster, to approve the variance.

Following the discussion, Chairman Keesee then called for a vote on the motion to approve the variance. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

RECESS BOARD OF ZONING ADJUSTMENT CONVENE PLANNING COMMISSION

- 4. Conditional Use #1-1-19; A request by Everett Fields, agent, for Roy and Klona Holland, for a Restaurant (with outdoor dining) at 7501 Rogers Avenue.**

Chairman Keesee called for a motion on the conditional use. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the conditional use, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All shrubs and trees being used shall be on the approved plantings list or provide information showing the shrubs or trees will thrive in this zone.

- The landscaping buffer shall form a continuous screening to a height of 3' within 2 years.
- All exterior building and site lighting shall comply with the UDO, Section 27-602-5.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 favor and 1 opposed (Sharpe). Chairman Keesee announced the conditional use was approved.

- 5. Master Land Use Plan Amendment #1-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, from Residential Detached to Neighborhood Commercial at 4105 Newlon Road.**
- 6. Variance #3-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, from 40,000 sq. ft. to 36,600 sq. ft. minimum lot area at 4105 Newlon Road.**
- 7. Rezoning Application #2-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, for a zone change from Residential Single Family-Duplex Medium/High density (RSD-3) to Transitional by classification at 4105 Newlon Road.**
- 8. Development Plan#1-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, for a development plan approval for a Doctor's Office and Clinic at 4105 Newlon Road.**

Chairman Keesee introduced items 5, 6, 7, and 8. Ms. Maggie Rice read the staff reports indicating approval of the master land use plan amendment, variance, rezoning, and development plan would allow for the construction of a doctor's office and clinic for Premier Health. Ms. Rice stated the purpose of the clinic is to serve the employees of OK Foods. Ms. Rice indicated that a neighborhood meeting was held Thursday, December 13, 2018, at 3415 Newlon Road (Morrison Elementary School). There was one neighboring property owner in attendance at the neighborhood meeting. The neighboring property owner had no objections to the project as did a caller earlier the same week.

Dan Parker was present to represent these applications.

No one was present to speak in favor or opposition of these applications.

Chairman Keesee called for a motion on the master land use plan amendment. Commissioner Cooper moved, seconded by Commissioner Sharpe, to approve the master land use plan amendment.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the master land use plan amendment. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the master land use plan amendment was approved.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

- 6. Variance #3-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, from 40,000 sq. ft. to 36,600 sq. ft. minimum lot area at 4105 Newlon Road.**

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Laster, to approve the variance.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the variance. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

**RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION**

- 7. Rezoning Application #2-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, for a zone change from Residential Single Family-Duplex Medium/High density (RSD-3) to Transitional by classification at 4105 Newlon Road.**

Chairman Keesee called for a motion on the rezoning. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the rezoning.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the rezoning. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the rezoning was approved.

- 8. Development Plan#1-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, for a development plan approval for a Doctor's Office and Clinic at 4105 Newlon Road.**

Chairman Keesee called for a motion on the development plan. Commissioner Taylor moved, seconded by Commission Newton, to approve the development plan, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All exterior building and site lighting shall comply with the UDO, Section 27-602-5.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the development plan with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the development plan was approved.

- 9. Rezoning Application 1-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. for a zone change from not zoned to Commercial Light (C-2) by classification at 7700 Wells Lake Road.**
- 10. Variance #2-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. from UDO Section 27-602-4(C)(2) Predominant Building Materials at 7700 Wells Lake Road.**
- 11. Conditional Use #3-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. for a church at 7700 Wells Lake Road.**

Chairman Keesee introduced items 9, 10, and 11. Ms. Brenda Andrews read the staff reports indicating approval of the rezoning, variance and conditional use would facilitate the development of a one-story, 10,193 s.f. church with 248 seats, 65 parking spaces, and landscaping. Ms. Andrews stated that a neighborhood meeting was held Thursday, December 27, 2018, 5:30 p.m. at the River Valley Community Church at 7030 Taylor Avenue. A representative of one surrounding property attended the meeting and had several questions about the proposed detention pond, requested C-2 zoning, and the proposed building materials.

Ms. Andrews stated that based on concerns regarding the proposed C-2 zoning, staff recommended a Residential Single Family Medium/High Density (RS-3) zoning district. She stated that she had previously spoken to Mr. Coleman about the change to RS-3 and the applicant had agreed to the change in the zoning request.

Randell Coleman was present to represent these applications.

Jennifer Sheehan with the Arkansas Game and Fish Commission was present to represent the Janet Huckabee Arkansas River Valley Nature Center at 8300 Wells Lake Road. Ms. Sheehan stated that she had questions about the footprint of the project and the proposed detention pond. However, she stated that she had spoken to Randy Coleman prior to the meeting and had no opposition to the project.

Mr. Coleman stated that based on Ms. Sheehan's concerns the location of the detention pond will be relocated away from the wooded area and moved toward the proposed parking area. Mr. Coleman stated that he would stay in touch with Ms. Sheehan on the design of the site.

Chairman Keesee called for a motion on the rezoning. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the rezoning to RS-3.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the rezoning. The vote was 8 in favor and 1 abstention (Keesee). Chairman Keesee announced the rezoning was approved.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

10. Variance #2-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. from UDO Section 27-602-4(C)(2) Predominant Building Materials at 7700 Wells Lake Road.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the variance.

Chris Estill with Hight-Jackson Associates architectural firm spoke about the variance request to allow steel metal panels as the predominant material on the exterior of the church. Mr. Estill stated that the proposed metal panels were complimentary to the architectural style of the church. Regarding the durability of the panels, Mr. Estill stated that the panels proposed were the highest gauge available.

Commissioner Wilson moved, seconded by Commissioner Taylor, to amend the motion to approve the variance on the condition that the massing of the building is not changed. Any changes to the massing of the building will require planning commission/board of zoning adjustment approval

Chairman Keesee called for a vote to amend the motion. The vote was unanimous to amend the motion.

Following the discussion, Chairman Keesee called for a vote on the amended motion to approve the variance. The vote was 7 in favor, 1 opposed (Newton), and 1 abstention (Keesee). Chairman Keesee announced the variance was approved.

**RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION**

11. Conditional Use #3-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. for a church at 7700 Wells Lake Road.

Chairman Keesee called for a motion on the conditional use. Commissioner Cooper moved, seconded by Commissioner Hanna, to approve the conditional use, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

- All exterior lighting must comply with the UDO Commercial and Outdoor Lighting requirements.
- Modifications to the massing of the building shall require planning commission/board of zoning adjustment approval.
- Submittal of a final landscaping plan.
- A sign permit application must be submitted for all proposed signs.
- Chaffee Crossing DRC approval will be required for the variance to allow steel metal panels as the predominant exterior building materials.

Following the discussion, Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 in favor and 1 abstention (Keesee). Chairman Keesee announced the conditional use was approved.

There being no further items, the meeting adjourned at approximately 6:45 p.m.

Memo

To: City Planning Commission

From: Planning Staff

Date: January 30, 2019

Re: Huntington Chase Commercial, Phase II – (Lots 3, 4 & 5) Preliminary – Crafton Tull & Associates

SUBDIVISION LOCATION

The property is located on Hutcheson Court and south of Zero Street. The site contains three lots with a total acreage of approximately nine acres.

PROPOSED LAND USES

Approval of the proposed preliminary plat will facilitate future commercial development.

EXISTING ZONING

The property is zoned Commercial Moderate (C-3 SPL). This zoning district allows locations for general commercial activity, offices, and services for the community. This zoning district requires planning commission approval of all development prior to the issuance of a building permit.

PROPOSED LOT SIZE

The lots range in size from 1.83 acres to 4.02 acres and comply with the area and bulk regulations for the C-3 zoning district.

PROPOSED SITE FEATURES

Access – access to lots 3 and 4 will be provided by street extension of Hutcheson Court. Lot 5 is shown as a wetland area and will have access provided via a 24' access easement. However, there are no plans to develop this lot.

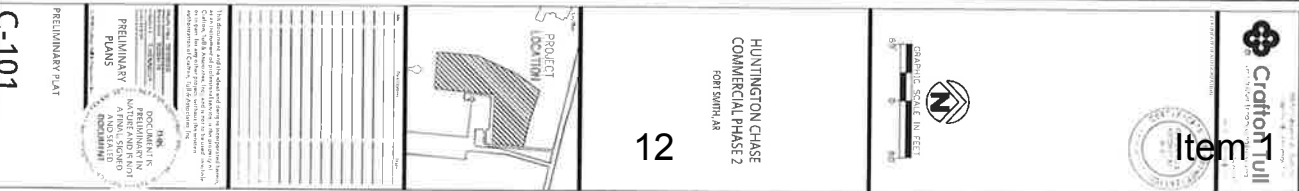
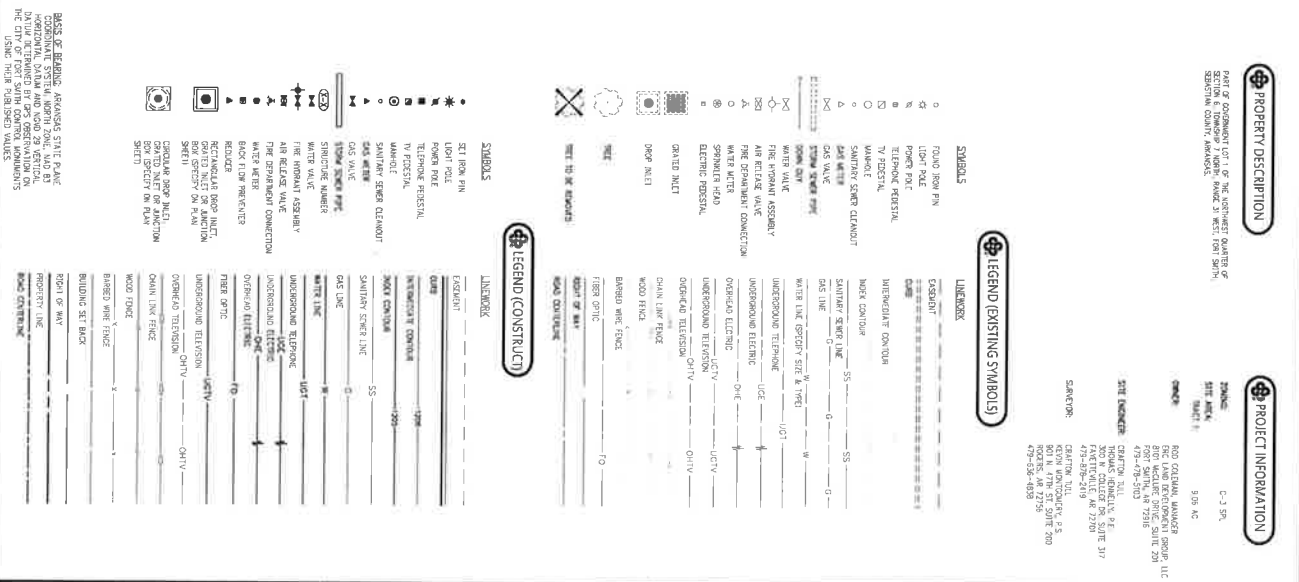
Landscaping – landscaping will be installed upon development of the lots.

Sidewalks – 5' wide sidewalks are proposed on both sides of Hutcheson Court.

STAFF RECOMMENDATIONS

We recommend approval of the preliminary plat with the following comments:

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.



Memo

To: City Planning Commission

From: Planning Staff

Date: January 25, 2019

Re: Variance #5-2-19 - A request by Sarah Hopper, agent, for Harp's Food Stores, Inc., for Board of Zoning Adjustment consideration of a zoning variance request from UDO Section 27-601-14(B)(3) requirements for a 12' passing aisle for a drive-through window at 3401 South 74th Street

REQUESTED VARIANCE

The approval of the variance will allow a drive-through window on the south side of the store for a pharmacy without a 12' passing aisle.

LOT LOCATION AND SIZE

The subject property is on the east side of South 74th Street between Madison Avenue and Rogers Avenue. The tract contains an area of 5.59 acres with approximately 403 feet of street frontage along South 74th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5).
Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 30 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Minor Arterial or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned C-5 and developed as a restaurant, book store, insurance office, laundry, cleaner, and abstract services.

The area to the east is zoned C-5 and is developed as Sam's Club.

The area to the south is zoned C-5 and developed as a bank and hotel.

The area to the west is zoned C-5 and developed as a carwash and restaurant with outdoor dining.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 74th Street as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

APPLICANT HARDSHIP

The applicant states that it is not feasible to build a drive-through with a passing aisle due to an elevation change in the site and that the requirement will prevent the construction of a curbed island that will provide better functionality of the proposed drive-through.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived in accordance with UDO Section 27-337-5. In lieu of the neighborhood meeting, the applicant mailed letters with a description of the project to property owners within 300 feet of the site.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS

The site currently has a 24' wide, two-way drive aisle on the south side of the building. A 12' passing aisle appears to be feasible, but would require reconstruction of the site to adjust the grade of the property so that the passing aisle and the existing two-way drive aisle are level. Customers leaving the drive-through window will maneuver to the east side of the property.

The applicant states that the island will be landscaped with rock.

STAFF RECOMMENDATIONS

If the BZA is inclined to approve the variance, staff requests substantiation of the reason and recommends that approval of the variance is contingent upon the following:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Andrews, Brenda

From: Rice, Maggie
Sent: Thursday, February 07, 2019 1:57 PM
To: Andrews, Brenda
Subject: Harp's

Sarah Hopper called and stated they were planning to put rock in the proposed island and driving around the buiding was the plan for their customers.

Maggie

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 3401 S 74th Street, Existing or Proposed

Zoning Classification C5, has filed with the Planning Department a written application pursuant to Section 27-337 of the City of Fort Smith's Unified Development Ordinance to secure a variance from the literal provisions of the zoning chapter as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- | | | | |
|-------|---|----------|---|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| _____ | - | _____ | Interior Side Yard Setback |
| _____ | - | _____ | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| _____ | - | X | Other: <small>From the requirement for a 12' passing aisle for a drive-through window</small> |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

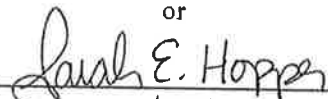
Sarah Hopper, Real Estate Manager

Owner or Agent Name *(please print)*

Owner

479-757-0258

Owner or Agent Phone Number

or

Agent

P.O. Box 48, Springdale, AR 72765

Owner or Agent Mailing Address

shopper@harpfood.com

E-mail Address

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

- I. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
<u>X</u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>X</u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>X</u>	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>X</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
<u>X</u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Planning Comments require a 12' passing aisle next to the pharmacy window. The elevation change in this area does not allow room for the passing aisle without interfering with the 2-way drive lane that is necessary for our site.

The site plan proposes a pharmacy drive-through with an island separating the existing 24' 2-way drive lane and the proposed drive-through.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

It is unfeasible to install a passing lane for the pharmacy drive through due to the elevation change in this area. In addition, a strict enforcement of the drive-through passing aisle would not allow the curbed island and would not work correctly next to the 2-way drive lane.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

LETTER REGARDING RESTRICTIVE COVENANTS

Restrictive covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

Survey attached

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:
No Restrictive Covenants

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

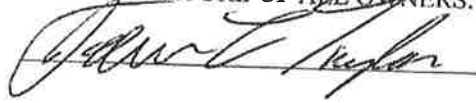
We the undersigned, being owners of real property, and requesting a variance by application do hereby authorize Sarah Hopper with Harp's Food Stores, Inc. to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

1. James L. Taylor, President, F.P. Corporation
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3. _____
4. _____
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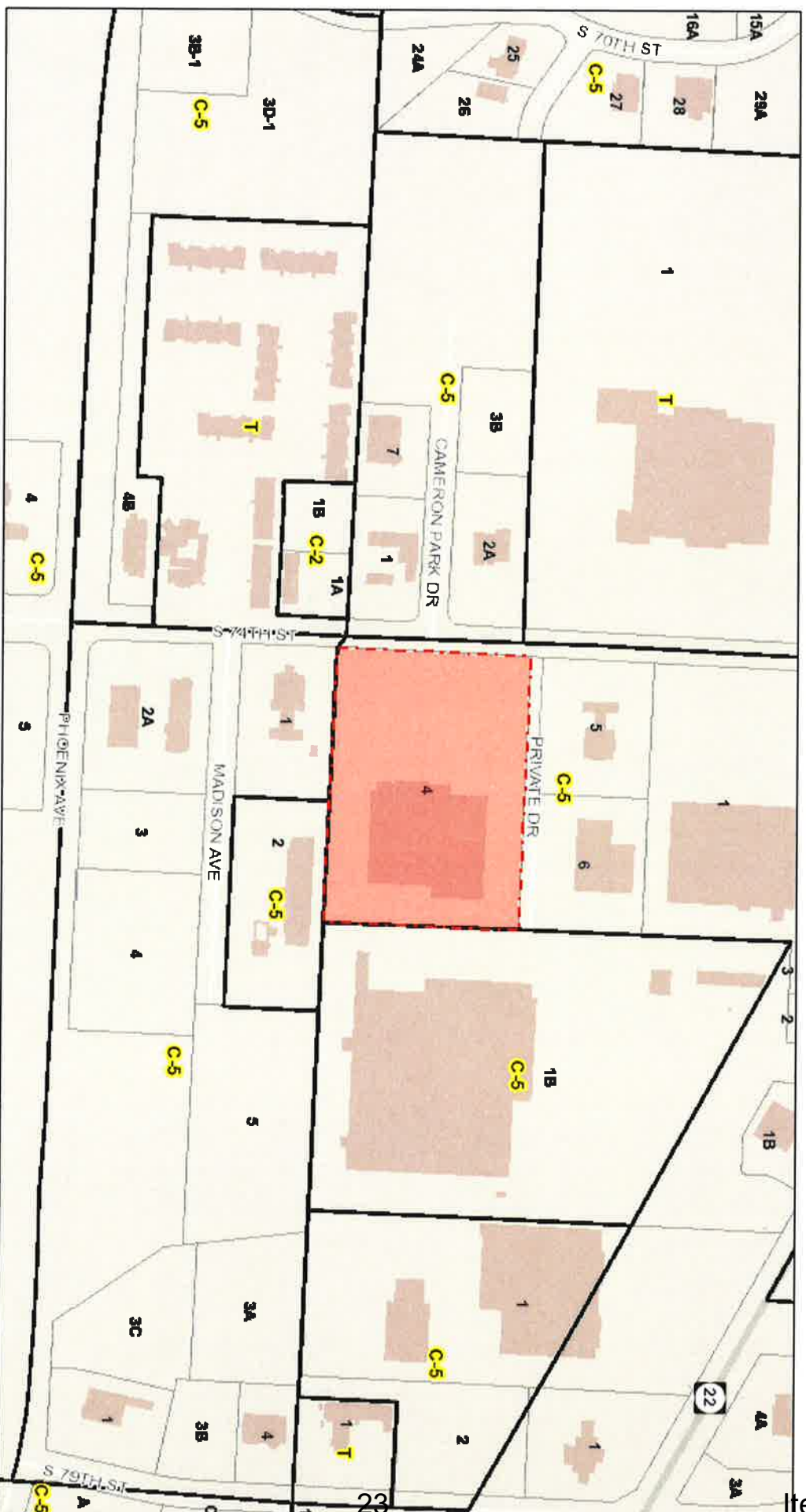
SIGNATURE OF ALL OWNERS.

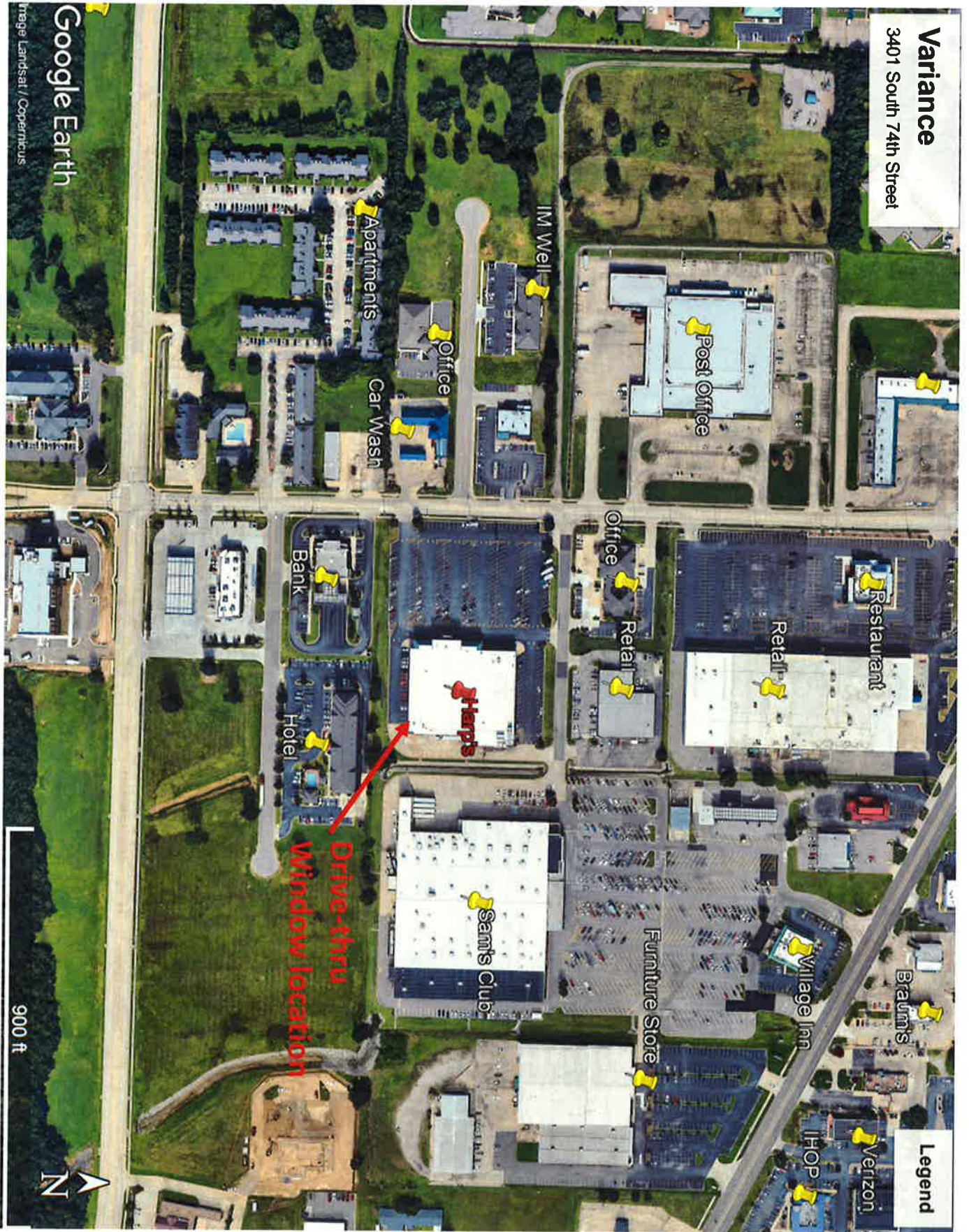


This form is necessary only when the person representing this request does not own all the property.

Variance #5-2-19: From the requirements of the 12' passing aisle for a drive-through window 3401 South 74th Street

Item 2





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Memo

To: City Planning Commission

From: Planning Staff

Date: January 25, 2019

Re: Variance #6-2-19 - A request by Bobby Aldridge, agent for Madelyn Catsavis Revocable Family Trust and George Catsavis, for Board of Zoning Adjustment consideration of a zoning variance request from the UDO, Section 27-602-3(B)(C) perimeter landscaping and parking lot screening at 601 Garrison Avenue

REQUESTED VARIANCE

The approval of the requested variance will allow the omission of parking lot screening on North 6th Street adjacent to a proposed parking lot addition.

LOT LOCATION AND SIZE

The subject property is on the northeast corner of Garrison Avenue and North 6th Street. The tract contains an area of 0.64 acres with approximately 140 feet of street frontage along Garrison Avenue and approximately 200 feet of street frontage along North 6th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Downtown (C-6). Characteristics of this zone are as follows:

Purpose:

To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) zoning district establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – N/A

Maximum Height – N/A

Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet

Minimum Lot Width – N/A

Front Yard Setback – N/A

Side Yard on Street Side of Corner Lot – N/A

Side Yard Setback – N/A

Rear Yard Setback – N/A

SURROUNDING ZONING AND LAND USE

The area surrounding the property is zoned Commercial Downtown (C-6) and developed as commercial.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Garrison Avenue and North 6th Street as Major Arterial streets.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Regional Center. This classification is to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

APPLICANT HARDSHIP

The applicant states that the existing parking was constructed many years prior to the existing UDO landscaping requirements. As a result, the land area is simply not available without completely redesigning and reconstructing the entire site including the existing parking area.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived in accordance with UDO Section 27-337-5. In lieu of the neighborhood meeting, the applicant mailed letters with a description of the project to property owners within 300 feet of the site.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS

On January 15, 2019, the CBID reviewed the variance and companion conditional use application. The plan reviewed by the CBID did not propose landscaping down the center of the entire parking lot nor did the plan provide details on the type of landscaping proposed. After considerable discussion of the plan, the CBID recommended approval of the variance and the conditional use applications provided that the applicant adjust the landscaping to plant suitable trees (such as maple trees) along the center of the entire parking lot, extend the landscape buffer across the entire north property line, and provide suitable landscaping at the proposed new driveway. A copy of the CBID draft January 15th meeting minutes is enclosed.

As a result, the applicant revised the plan to include these recommendations.

STAFF RECOMMENDATIONS

Staff recommends approval of the variance with the following:

1. Planning Commission approval of the companion conditional use application.
2. Approval is based on the submitted parking layout and landscape plan.

CENTRAL BUSINESS IMPROVEMENT DISTRICT
FORT SMITH, ARKANSAS

Tuesday, January 15, 2019
Area Agency on Aging building, 524 Garrison Avenue
Fort Smith, Arkansas
7th Floor Board Room

DRAFT

Meeting Minutes

The Fort Smith Central Business Improvement District Commission's regular meeting was scheduled for 9:30 a.m. on Tuesday, January 15, 2019 in the 7th floor board room of the Area Agency on Aging building, 524 Garrison Avenue, Fort Smith, Arkansas.

The meeting was called to order by Mr. Bill Hanna, Chair, at 9:30 a.m. and a quorum was noted present. Also in attendance were commissioners Steve Clark, Richard Griffin, Sam Sicard, Jeff Pryor, Rodney Ghan and Lee Ann Vick. Commissioner Phil White was absent and excused by unanimous vote. Others in attendance included Brenda Andrews, Doug Reinert and Jeff Dingman of the City of Fort Smith.

Mr. Sicard moved approval of the minutes of the December 18, 2018 regular meeting. Mr. Pryor seconded and motion carried unanimously.

Mr. Sicard reviewed the Treasurer's report for the month of December 2018, such documents being previously provided by Mr. Sicard for the commissioners' review. As of December 31, 2018, the Total Cash-on-Hand for the CBID amounted to \$61,612.84. Restricted funds comprise \$3,150.00 of the total cash. The total cash net of restricted funds is \$58,462.84. Mr. Griffin moved approval of the Treasurer's report. Mr. Clark seconded, and the motion carried by unanimous vote.

Talicia Richardson, Executive Director of 64.6 Downtown, discussed the upcoming CBID Town Hall meeting on Wednesday, February 20, 2019 on the 1st floor of the ProPak building, 1100 Garrison Avenue from 6:00 p.m. to 7:30 p.m. The intent is to facilitate engagement between the CBID Commission and the property owners, business owners, and general public with interest in the CBID, highlighting the CBID's role in facilitating economic development downtown, but also the CBID's interest in pursuing projects or programs that meet the expectations of property & business owners within the district. Mr. Hanna distributed a list of potential discussion topics, many of which have been discussed before, and asked Commissioners to highlight three to five specific projects that most interest them. The CBID would then present the most popular ones to the attendees at the Town Hall meeting, hoping to inspire discussion on them as well as bring out other suggestions for projects or improvements that are in line with the Propelling Downtown Forward Plan, and the Future Fort Smith Comprehensive Plan. The purpose of this CBID Town Hall meeting is to identify favorable projects or initiatives. Mrs. Vick asked about funding sources, and Mr. Hanna replied that this is the brainstorming session to identify the favored projects, and then future meetings can then further develop the selected topics and details such as funding options.

Mr. Griffin asked about how the discussion would be presented. Mr. Clark responded that presentation should focus on how we market ourselves to visitors, what types of things we are doing or could be doing, and then how do we want to see the downtown district grow within the context of the master planning that's already been done. Mrs. Vick asked about outreach to let people know of the meeting, particularly the key audience of business and property owners. Mrs. Richardson replied that some personal outreach has started with property & business owners, but that that a more comprehensive approach may be needed, including the CBID providing some funding for an invitation mailout to maximize awareness and attendance of the Town Hall meeting.

The Commission reviewed packet materials regarding Neighborhood Services, Business Licenses, and building permit activities within the CBID without questions. Mr. Reinert provided a brief update on Parks Department activities, all including dismantling holiday lights and preparing for spring.

Mr. Hanna introduced Jim Dunn and Alice Alt representing the US Marshal Museum (USMM). Mr. Dunn reviewed the history and mission of the project, culminating with the recent action of the city's board of directors to call a special election on March 12, 2019 to consider a temporary one-cent sales tax to complete the funding of the museum. Mr. Dunn cited the positive impacts of the museum in telling the story of the US Marshal Service, both locally and nationally. Along with the funding proposal, the election would establish a Public Facilities Board to administer the funding for the project, thereby providing public oversight and transparency.

Mr. Sicard asked what assurance there is that the tax will be temporary, and Mr. Dunn replied that the ordinance passed by the city is specific to the fact that the tax will only be collected for nine months. The USMM's Board has pledged publicly that they will not ask the city for any kind extension, which would require an additional ordinance and an additional election. Mr. Clark asked if there are any known examples of a similar type of project that has been funded in this way, to which Mr. Dunn replied he is not aware of any. Mr. Pryor asked if the USMM has a promotional strategy in place to educate the public on the issue before the March 12 election. Mr. Dunn replied that yes, there will be increased efforts and a public campaign in the coming weeks.

Mr. Dunn asked that the CBID Commission endorse and support the passage of the temporary one-cent sales tax to complete the funding of the USMM project. Mr. Hanna moved that the CBID Commission formally support the proposed sales tax initiative and continue to support the mission of the USMM. Mr. Sicard seconded, and the motion carried by unanimous vote.

The commission considered a variance request from design guidelines regarding the use of plastic substrate in a sign at 415 Garrison Avenue. Griffin Properties proposes two new signs on its building that meet all sign requirements except for the use of plastic. Mr. Ghan moved approval of the variance. Mr. Sicard seconded, and the motion carried by a vote of six in favor, zero opposed and one abstention. Mr. Griffin abstained due to a conflict of interest.

As a general comment, Mr. Griffin reminded all of previous discussions related to possibly changing the CBID's sign guidelines to accommodate for the use of plastic in modern signs. Mr. Dingman noted that as the Form Based Code regulations are being drafted, part of the project is to address design guidelines within the various sections of the CBID identified in the new code, and that guidelines for signs in the CBID could be addressed as part of that process.

The commission next considered a request to recommend a conditional use and variance for a proposed parking lot at 601 Garrison. At the November 2018 meeting, the CBID approved a request to demolish the old Broadway Grill building at that address, and the owner indicated an intent to leave green space where the building stood. The property owner now seeks permission to expand the existing parking lot on the property by 25 spaces instead of placing the green space. The owner has commissioned Frontier Engineering/Bobby Aldridge to seek the conditional use for the parking lot expansion and a variance to the width of the required landscaping area. Mr. Aldridge shared an illustration of the proposed expansion to the parking lot, including a new drive off of North 6th Street, and a proposed layout for the landscaping. The variance would allow for the construction of the new parking area without the required 10' wide perimeter landscape buffer on North 6th Street. Proposed in lieu of the required perimeter buffer is landscaping along part of the north property line of the lot. Such variance ultimately must be approved by the city's Board of Zoning Adjustment, but the CBID's recommendation on both the conditional use and variance requests are considered.

Citing the location of the property at a prominent downtown intersection, several members of the commission expressed concern regarding the proposed variance to landscaping requirements, including the timeline of the submittal in relation to putting the item on the Planning Commission's agenda. Mr. Griffin expressed concern that the CBID Commission would not see and have a chance to approve any revised plan before it was submitted to the Planning Commission for consideration. After considerable discussion, Mr. Ghan ultimately moved to recommend approval of the conditional use for parking lot expansion to the Planning Commission; and approval of a variance to landscaping requirements to the Board of Zoning Adjustment provided that the owner adjust the landscaping plan to plant suitable trees (such as maple trees) along the 18' sidewalk that crosses the center of the property/parking lot, extend the landscape buffer across the entire north property line of the lot, and provide suitable landscaping at the new driveway onto North 6th Street. Mr. Sicard seconded the motion, which was approved with seven in favor and zero opposed. Mr. Dingman, Ms. Andrews, and Mr. Alridge assured the commission that all understood the conditions of the commission's recommendation and will distribute the revised plan to the commissioners for them to see when it becomes available. Mr. Dingman reminded the commission that there would be opportunity to raise concern at the Planning Commission's public meeting if the revised plan did not appear to satisfy the desired conditions.

Mr. Griffin reiterated his concern that the city staff to require development plans for the commission to review when such conditional uses or variances are sought. Further, when the CBID requires changes, that such changes be drawn and resubmitted to the CBID in final form for approval before advancing for consideration by the Planning Commission/Board of Zoning Adjustment. His concern is that the CBID should feel comfortable that its conditions are addressed before finalizing its support of a project. Mr. Griffin formalized such request by moving the CBID resolve to require city staff to require submittals for regular CBID meetings that detail the location and number of shrubs and trees along with a specific description of the type of said shrubs and trees along with intended provisions for irrigation. He further described his intentions is that submittals should be required to be specific enough so as to leave no doubt in the minds of either party as to what is required and agreed upon when reviewed and approved in final form. Such motion was seconded by Mr. Ghan and approved by unanimous vote.

The next meeting of the CBID Commission will be the CBID Town Hall meeting scheduled for February 20, 2019 at 6:00 p.m. at 1100 Garrison Avenue. There being no additional business before the Commission, the meeting adjourned at approximately 10:46 a.m.

Respectfully submitted,



Jeff Dingman
Deputy City Administrator

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

*Lots 1-4, Block 25 of
the City of Fort Smith*

Address of property 601 Garrison Avenue, Existing or Proposed

Zoning Classification C - 6, has filed with the Planning Department a written application pursuant to Section 27-337 of the City of Fort Smith's Unified Development Ordinance to secure a variance from the literal provisions of the zoning chapter as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

_____	-	_____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
_____	-	_____	Interior Side Yard Setback
_____	-	_____	Rear Yard Setback
_____	-	_____	Maximum Height of Structure
_____	-	_____	Minimum Distance Between Structures on the Same Lot
_____	-	_____	Minimum Lot Area (Square Feet)
_____	-	_____	Minimum Lot Frontage
_____	-	_____	Maximum Size of a Sign
<u>10</u>	<u>-</u>	<u>Varies</u>	Other: <u>Perimeter Landscaping and Screening</u>

27-602.3.B & C

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Bobby Aldridge, P.E.

~~Owner or Agent Name~~ (please print)

479.414.1013

~~Owner or Agent Phone Number~~

P.O. Box 11988 Fort Smith AR 72917

~~Owner or Agent Mailing Address~~

~~Owner~~

or

Bobby Aldridge, P.E.

Agent

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a conditional use by application do hereby authorize Bobby Aldridge, P.E. to act as our agent in the
(Print Name of Agent)
matter.

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Madelyne Catsavis Revocable

Madelyne Catsavis

2. Family Trust

[Signature]

3. George Catsavis

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

This form is necessary only when the person representing this request does not own all the property.

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
_____	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
_____	<input checked="" type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input checked="" type="checkbox"/>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
_____	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
_____	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<input checked="" type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
_____	<input checked="" type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

The Owner desires to demolish the building on the northern end of the property and extend the existing area. The existing parking was constructed many years prior to the existing UDO Landscaping requirements and in compliance with the then applicable standards. We seek relief from the current requirement of a 10' Perimeter Landscaping Area.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

A 10' perimeter Landscaping/Screening buffer cannot be placed along the perimeter without causing undue hardship. The land area is simply not available without completely redesigning and reconstructing the entire site including the existing parking area. We simply desire to extend the existing parking to the north in the area of the proposed building demolition.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Variances for relief of the Perimeter Landscaping Requirement have recently been allowed for parking areas at N. 9th and North "A" (SW and NE Corners), N. 9th and N. "B", 700 block of N. "A",

LETTER REGARDING RESTRICTIVE COVENANTS

Restrictive covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

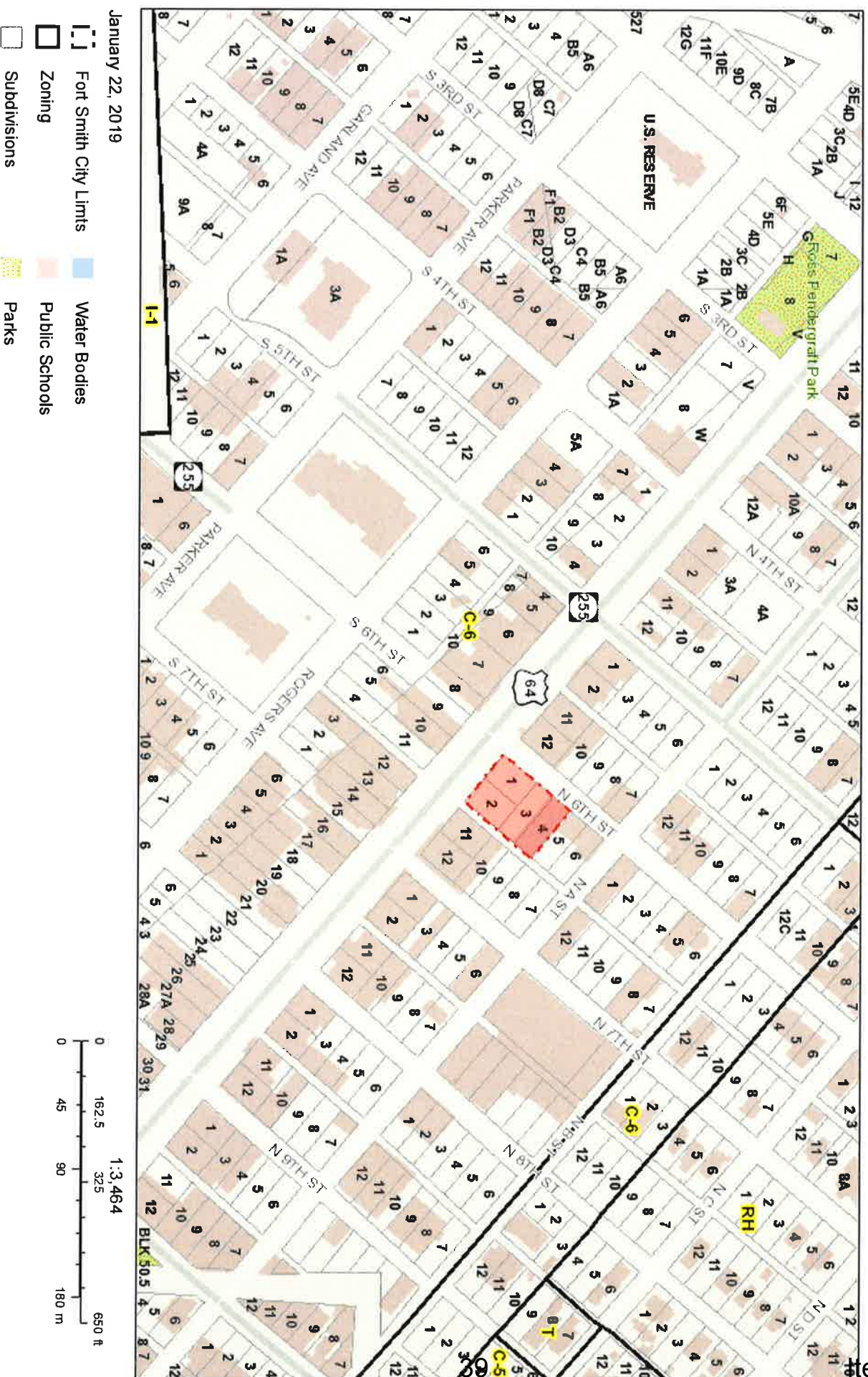
SUBJECT: Legal Description of Property

Lots 1 - 4, Block 25, of the City of Fort Smith.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

N/A

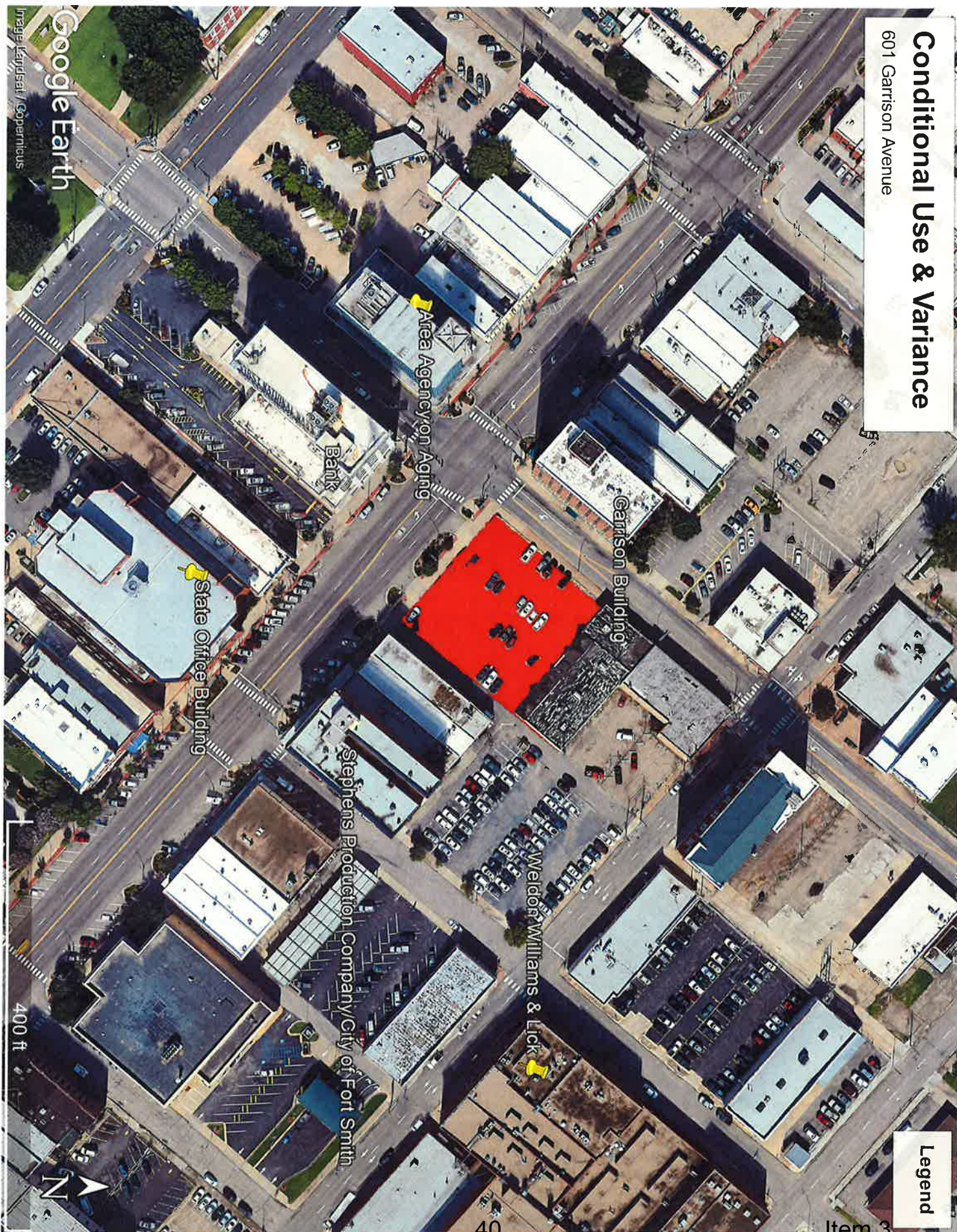
Variance #6-2-19: From the perimeter and parking lot screening requirements of the UDO
601 Garrison Avenue



Conditional Use & Variance

601 Garrison Avenue

Legend





6th STREET & GARRISON PARKING





6th STREET & GARRISON PARKING
(LANDSCAPE)



Item 3



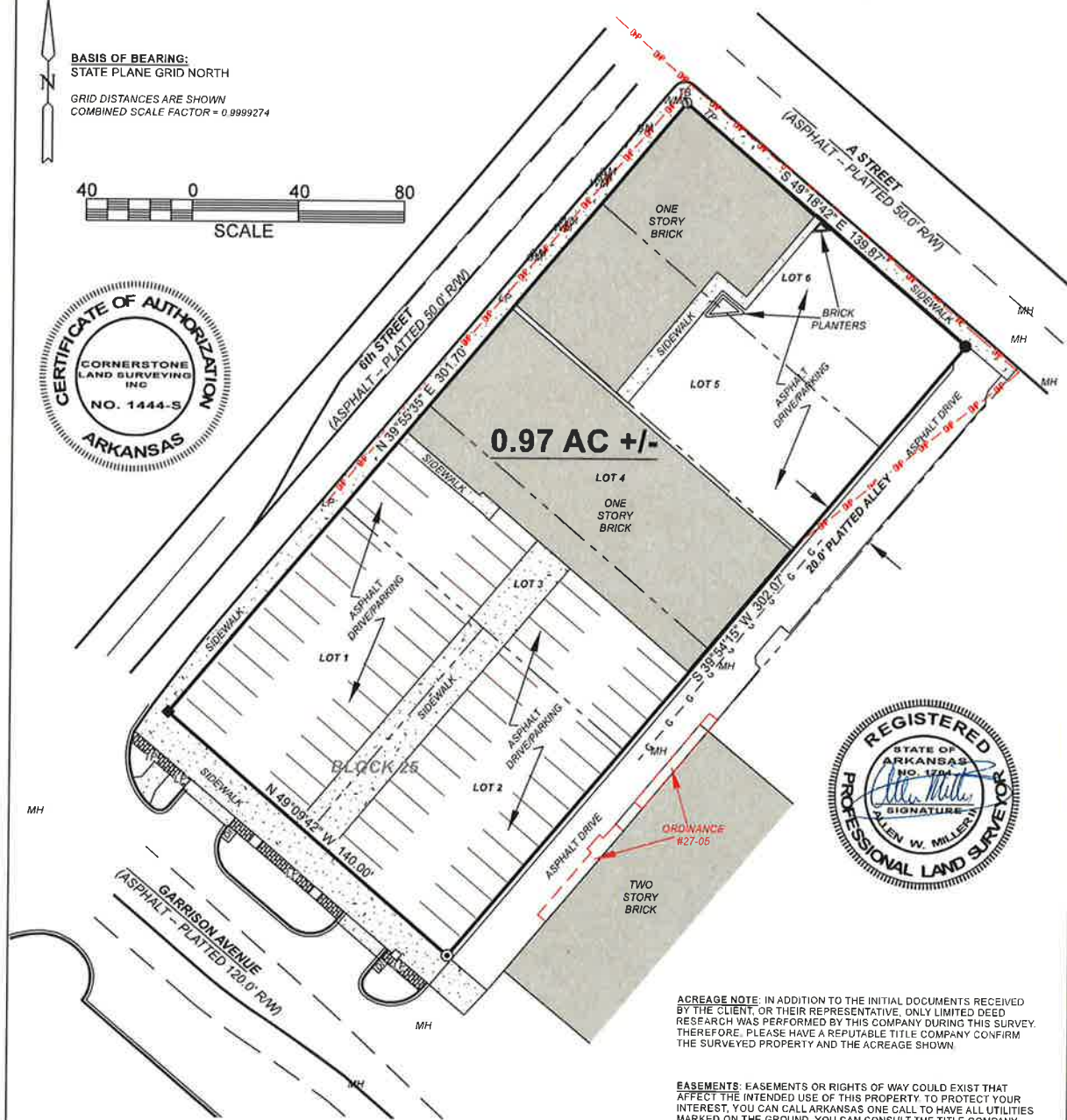
FRONTIER
ENGINEERING, INC.
CIVIL ENGINEERS • CONSULTANTS
P.O. BOX 11988 • FORT SMITH, AR 72917

SURVEY FOR GEORGE CATSAVIS AND MADELYNE CATSAVIS REVOCABLE FAMILY TRUST



BASIS OF BEARING:
STATE PLANE GRID NORTH

GRID DISTANCES ARE SHOWN
COMBINED SCALE FACTOR = 0.9999274



ACREAGE NOTE: IN ADDITION TO THE INITIAL DOCUMENTS RECEIVED BY THE CLIENT, OR THEIR REPRESENTATIVE, ONLY LIMITED DEED RESEARCH WAS PERFORMED BY THIS COMPANY DURING THIS SURVEY. THEREFORE, PLEASE HAVE A REPUTABLE TITLE COMPANY CONFIRM THE SURVEYED PROPERTY AND THE ACREAGE SHOWN.

EASEMENTS: EASEMENTS OR RIGHTS OF WAY COULD EXIST THAT AFFECT THE INTENDED USE OF THIS PROPERTY TO PROTECT YOUR INTEREST, YOU CAN CALL ARKANSAS ONE CALL TO HAVE ALL UTILITIES MARKED ON THE GROUND. YOU CAN CONSULT THE TITLE COMPANY FOR ANY EASEMENTS OF RECORD, OR YOU CAN UPGRADE THIS SURVEY TO AN A.L.T.A., LAND TITLE SURVEY. THIS ALLOWS US TO COORDINATE WITH THE TITLE COMPANY AND ARKANSAS ONE CALL, AND THEN SUBSEQUENTLY PLOT ANY RELEVANT EASEMENTS ON THE SURVEY PLAT FOR YOUR REVIEW.

SURVEY CERTIFICATION: THE SUBJECT PROPERTY HAS BEEN SURVEYED UNDER MY SUPERVISION IN ACCORDANCE WITH THE ARKANSAS STANDARDS OF PRACTICE FOR PROPERTY BOUNDARY SURVEYS AND PLATS. THIS SURVEY PLAT IS THE INTELLECTUAL PROPERTY OF CORNERSTONE LAND SURVEYING AND CAN BE USED IN ITS ENTIRETY BY THE CLIENT SHOWN, OR THEIR REPRESENTATIVES, WITHIN 90 DAYS OF THIS DATE.

ALLEN W. MILLER II, PS 1704

DATE 1-25-2019

DEEDS AND SURVEYS USED: SOME OF THE DEEDS AND SURVEYS REFERENCED DURING THIS SURVEY ARE AS FOLLOWS:
1.) DEED BOOK 2017, PAGE 21269
2.) DEED BOOK 2018, PAGE 7681 OF THE COUNTY RECORDS.
3.) ORIGINAL TOWN OF FORT SMITH PLAT

DESCRIPTION: LOTS 1, 2, 3, 4, 5 AND 6 OF BLOCK 25 OF THE ORIGINAL CITY OF FORT SMITH, IN SEBASTIAN COUNTY, ARKANSAS, AS SHOWN ON THIS SURVEY PLAT (SURVEYED BY CORNERSTONE LAND SURVEYING ON 1-24-2019, FOR GEORGE CATSAVIS AND MADELYNE CATSAVIS REVOCABLE FAMILY TRUST, JOB# 19-119), CONTAINING 0.97 ACRE MORE OR LESS, SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.



CORNERSTONE LAND SURVEYING
1403 W. TAYLOR ST., CLARKSVILLE, AR 72830, PH# 479-705-9406
FAX# 479-705-9407, E-MAIL: jim.cornerstone@gmail.com

DATE	1-25-2019	DRAWN BY	C. DICKERSON
SCALE	1"= 40'	JOB#	19-119
STATE CODE	500-08N-32W-0-08-200-66-1704		
CLIENT	GEORGE CATSAVIS AND MADELYNE CATSAVIS REVOCABLE FAMILY TRUST		

- FOUND IRON PIN
- ⊙ FOUND IRON PIPE
- △ FOUND IRON SPIKE
- FOUND SET STONE
- ▣ R/W MARKER
- ▽ FOUND "T" POST
- ◇ FOUND RR SPIKE
- ⊗ FOR. SERV. MONUMENT
- ⊙ FND. ALUM. CAP OR MON.
- FENCE CORNER POST
- ⊙ SET 1/2" IRON PIN
- ⊙ SET PK NAIL
- ◆ SET CONCRETE NAIL

LEGEND

- ⬇ COMPUTED POINT ONLY
- ⬇ SET POST ON LINE
- ⬇ POINT OF BEGINNING
- ⬇ APPAR. LINE OF POSS.
- ⬇ FENCE
- ⬇ RECON. DISTANCE
- ⬇ OVERHEAD POWER

- TP TRAFFIC LIGHT POLE
- TB TRAFFIC LIGHT BOX
- G — UNDERGROUND GAS LINE R/W
- LP LIGHT POLE
- DI DRAIN INLET
- SS SANITARY SEWER
- MII MANHOLE
- WM WATER METER
- WV WATER VALVE
- R/W — RIGHT OF WAY
- GM GAS METER
- FIH FIRE HYDRANT
- U/E UTILITIES
- SBL SET BACK LINE

Memo

To: City Planning Commission

From: Planning Staff

Date: January 25, 2019

Re: Conditional Use #4-2-19 - A request by Bobby Aldridge, agent for Madelyn Catsavis Revocable Family Trust and George Catsavis, for Planning Commission consideration of a Conditional Use request to develop a parking lot addition at 601 Garrison Avenue

PROPOSED CONDITIONAL USE

The approval of the requested Conditional Use will allow for the expansion of an existing parking lot. The parking lot expansion will occur as a result of the future demolition of the former Broadway Grill Restaurant building at 601 Garrison Avenue.

LOT LOCATION AND SIZE

The subject property is on the northeast corner of Garrison Avenue and North 6th Street. The tract contains an area of 0.64 acres with approximately 140 feet of street frontage along Garrison Avenue and approximately 200 feet of street frontage along North 6th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Downtown (C-6).
Characteristics of this zone are as follows:

Purpose:

To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) zoning district establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – N/A

Maximum Height – N/A

Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet

Minimum Lot Width – N/A

Front Yard Setback – N/A

Side Yard on Street Side of Corner Lot – N/A

Side Yard Setback – N/A

Rear Yard Setback – N/A

SURROUNDING ZONING AND LAND USE

The area surrounding the property is zoned Commercial Downtown (C-6) and developed as commercial.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Garrison Avenue and North 6th Street as Major Arterial streets.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Regional Center. This classification is to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – There are two existing driveways along Garrison Avenue. One new driveway is proposed for North 6th Street.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Landscaping – Landscaping is proposed along the north property, in the center of the entire parking lot, and on both sides of the proposed new driveway on North 6th Street. The landscaping will consist of trees and shrubbery.

Parking – There are currently 59 parking spaces provided. The addition will add 22 spaces to the parking lot.

Signage – No signage is noted on the plans.

Lighting – No lighting is noted on the plans.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived in accordance with UDO Section 27-337-5. In lieu of the neighborhood meeting, the applicant mailed letters with a description of the project to property owners within 300 feet of the site.

STAFF COMMENTS

On January 15, 2019, the CBID reviewed the conditional use and companion variance applications. The plan reviewed by the CBID did not propose landscaping down the center of the entire parking lot nor did the plan provide details on the type of landscaping proposed. After considerable discussion, the CBID recommended approval of the conditional use variance applications provided the applicant adjust the landscaping to plant suitable trees (such as maple trees) along the center of the entire parking lot, extend the landscape buffer across the entire north property line, and provide suitable landscaping at the proposed new driveway. A copy of the CBID draft January 15th meeting minutes is enclosed.

As a result, the applicant revised the plan to include these recommendations.

STAFF RECOMMENDATIONS

Staff recommends approval of the application with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Board of Zoning Adjustment approval of the companion variance application.
3. The landscaping shall be irrigated with an automatic irrigation system or the applicant shall supply the City with a maintenance plan.
4. Specific plant species, quantity and sizes must be submitted to the Planning Department for approval prior to installation.
5. Any future exterior lighting shall comply with the UDO Commercial and Outdoor Lighting regulations.
6. If any signage is proposed, the applicant shall submit a sign permit application to the Planning department for review and approval and in compliance with CBID signage regulations.

CENTRAL BUSINESS IMPROVEMENT DISTRICT
FORT SMITH, ARKANSAS

Tuesday, January 15, 2019
Area Agency on Aging building, 524 Garrison Avenue
Fort Smith, Arkansas
7th Floor Board Room

DRAFT

Meeting Minutes

The Fort Smith Central Business Improvement District Commission's regular meeting was scheduled for 9:30 a.m. on Tuesday, January 15, 2019 in the 7th floor board room of the Area Agency on Aging building, 524 Garrison Avenue, Fort Smith, Arkansas.

The meeting was called to order by Mr. Bill Hanna, Chair, at 9:30 a.m. and a quorum was noted present. Also in attendance were commissioners Steve Clark, Richard Griffin, Sam Sicard, Jeff Pryor, Rodney Ghan and Lee Ann Vick. Commissioner Phil White was absent and excused by unanimous vote. Others in attendance included Brenda Andrews, Doug Reinert and Jeff Dingman of the City of Fort Smith.

Mr. Sicard moved approval of the minutes of the December 18, 2018 regular meeting. Mr. Pryor seconded and motion carried unanimously.

Mr. Sicard reviewed the Treasurer's report for the month of December 2018, such documents being previously provided by Mr. Sicard for the commissioners' review. As of December 31, 2018, the Total Cash-on-Hand for the CBID amounted to \$61,612.84. Restricted funds comprise \$3,150.00 of the total cash. The total cash net of restricted funds is \$58,462.84. Mr. Griffin moved approval of the Treasurer's report. Mr. Clark seconded, and the motion carried by unanimous vote.

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Mr. Sicard asked what assurance there is that the tax will be temporary, and Mr. Dunn replied that the ordinance passed by the city is specific to the fact that the tax will only be collected for nine months. The USMM's Board has pledged publicly that they will not ask the city for any kind extension, which would require an additional ordinance and an additional election. Mr. Clark asked if there are any known examples of a similar type of project that has been funded in this way, to which Mr. Dunn replied he is not aware of any. Mr. Pryor asked if the USMM has a promotional strategy in place to educate the public on the issue before the March 12 election. Mr. Dunn replied that yes, there will be increased efforts and a public campaign in the coming weeks.

Mr. Dunn asked that the CBID Commission endorse and support the passage of the temporary one-cent sales tax to complete the funding of the USMM project. Mr. Hanna moved that the CBID Commission formally support the proposed sales tax initiative and continue to support the mission of the USMM. Mr. Sicard seconded, and the motion carried by unanimous vote.

The commission considered a variance request from design guidelines regarding the use of plastic substrate in a sign at 415 Garrison Avenue. Griffin Properties proposes two new signs on its building that meet all sign requirements except for the use of plastic. Mr. Ghan moved approval of the variance. Mr. Sicard seconded, and the motion carried by a vote of six in favor, zero opposed and one abstention. Mr. Griffin abstained due to a conflict of interest.

As a general comment, Mr. Griffin reminded all of previous discussions related to possibly changing the CBID's sign guidelines to accommodate for the use of plastic in modern signs. Mr. Dingman noted that as the Form Based Code regulations are being drafted, part of the project is to address design guidelines within the various sections of the CBID identified in the new code, and that guidelines for signs in the CBID could be addressed as part of that process.

The commission next considered a request to recommend a conditional use and variance for a proposed parking lot at 601 Garrison. At the November 2018 meeting, the CBID approved a request to demolish the old Broadway Grill building at that address, and the owner indicated an intent to leave green space where the building stood. The property owner now seeks permission to expand the existing parking lot on the property by 25 spaces instead of placing the green space. The owner has commissioned Frontier Engineering/Bobby Aldridge to seek the conditional use for the parking lot expansion and a variance to the width of the required landscaping area. Mr. Aldridge shared an illustration of the proposed expansion to the parking lot, including a new drive off of North 6th Street, and a proposed layout for the landscaping. The variance would allow for the construction of the new parking area without the required 10' wide perimeter landscape buffer on North 6th Street. Proposed in lieu of the required perimeter buffer is landscaping along part of the north property line of the lot. Such variance ultimately must be approved by the city's Board of Zoning Adjustment, but the CBID's recommendation on both the conditional use and variance requests are considered.

Citing the location of the property at a prominent downtown intersection, several members of the commission expressed concern regarding the proposed variance to landscaping requirements, including the timeline of the submittal in relation to putting the item on the Planning Commission's agenda. Mr. Griffin expressed concern that the CBID Commission would not see and have a chance to approve any revised plan before it was submitted to the Planning Commission for consideration. After considerable discussion, Mr. Ghan ultimately moved to recommend approval of the conditional use for parking lot expansion to the Planning Commission; and approval of a variance to landscaping requirements to the Board of Zoning Adjustment provided that the owner adjust the landscaping plan to plant suitable trees (such as maple trees) along the 18' sidewalk that crosses the center of the property/parking lot, extend the landscape buffer across the entire north property line of the lot, and provide suitable landscaping at the new driveway onto North 6th Street. Mr. Sicard seconded the motion, which was approved with seven in favor and zero opposed. Mr. Dingman, Ms. Andrews, and Mr. Alridge assured the commission that all understood the conditions of the commission's recommendation and will distribute the revised plan to the commissioners for them to see when it becomes available. Mr. Dingman reminded the commission that there would be opportunity to raise concern at the Planning Commission's public meeting if the revised plan did not appear to satisfy the desired conditions.

Mr. Griffin reiterated his concern that the city staff to require development plans for the commission to review when such conditional uses or variances are sought. Further, when the CBID requires changes, that such changes be drawn and resubmitted to the CBID in final form for approval before advancing for consideration by the Planning Commission/Board of Zoning Adjustment. His concern is that the CBID should feel comfortable that its conditions are addressed before finalizing its support of a project. Mr. Griffin formalized such request by moving the CBID resolve to require city staff to require submittals for regular CBID meetings that detail the location and number of shrubs and trees along with a specific description of the type of said shrubs and trees along with intended provisions for irrigation. He further described his intentions is that submittals should be required to be specific enough so as to leave no doubt in the minds of either party as to what is required and agreed upon when reviewed and approved in final form. Such motion was seconded by Mr. Ghan and approved by unanimous vote.

The next meeting of the CBID Commission will be the CBID Town Hall meeting scheduled for February 20, 2019 at 6:00 p.m. at 1100 Garrison Avenue. There being no additional business before the Commission, the meeting adjourned at approximately 10:46 a.m.

Respectfully submitted,



Jeff Dingman
Deputy City Administrator

Conditional Use # _____

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Catsavis, Madelyne Revocable Family Trust

Name of Authorized Agent (if applicable) Bobby Aldridge, P.E. Frontier Engineering, Inc.

Legal Description of property included in the conditional use request:

Lots 1-4, Block 25 of the City of Fort Smith

Street Address of Property:

601 Garrison Avenue

Existing Zoning Classification:

C-6

Proposed Zoning Classification (if applicable):

C-6

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Demolition of the existing building and replacement with an expansion of the existing asphalt parking area. Existing parking of 60 spaces to be reduced to 59 to accommodate drainage and driveway to N. 6th Street. Add 22 new parking spaces.

What amenities are proposed such as landscaping and screening?

Landscaping along northern boundary 6' wide consisting of Trees and Shrubs. Landscaping internal of the parking (center Sidewalk) to include Trees and Shrubs and addition of Trees and Shrubs in the islands of the proposed driveway accessing North 6th Street. All Landscaping to meet or exceed the requirements of the UDO.

Bobby Aldridge, P.E.
~~Owner~~ or Agent Name (please print)

Signed:

P.O. Box 11988 Fort Smith, AR 72917
~~Owner~~ or Agent Mailing Address

~~Owner~~

Or

479.414.1013
~~Owner~~ or Agent Phone Number

Bobby Aldridge, P.E.
Agent

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a conditional use by application do hereby authorize Bobby Aldridge, P.E. to act as our agent in the
(Print Name of Agent)
matter.

(Type or clearly print)

NAMES OF ALL OWNERS.

1. Madelyne Catsavis Revocable
2. Family Trust
3. George Catsavis
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

SIGNATURE OF ALL OWNERS.

Madelyne Catsavis

This form is necessary only when the person representing this request does not own all the property.

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

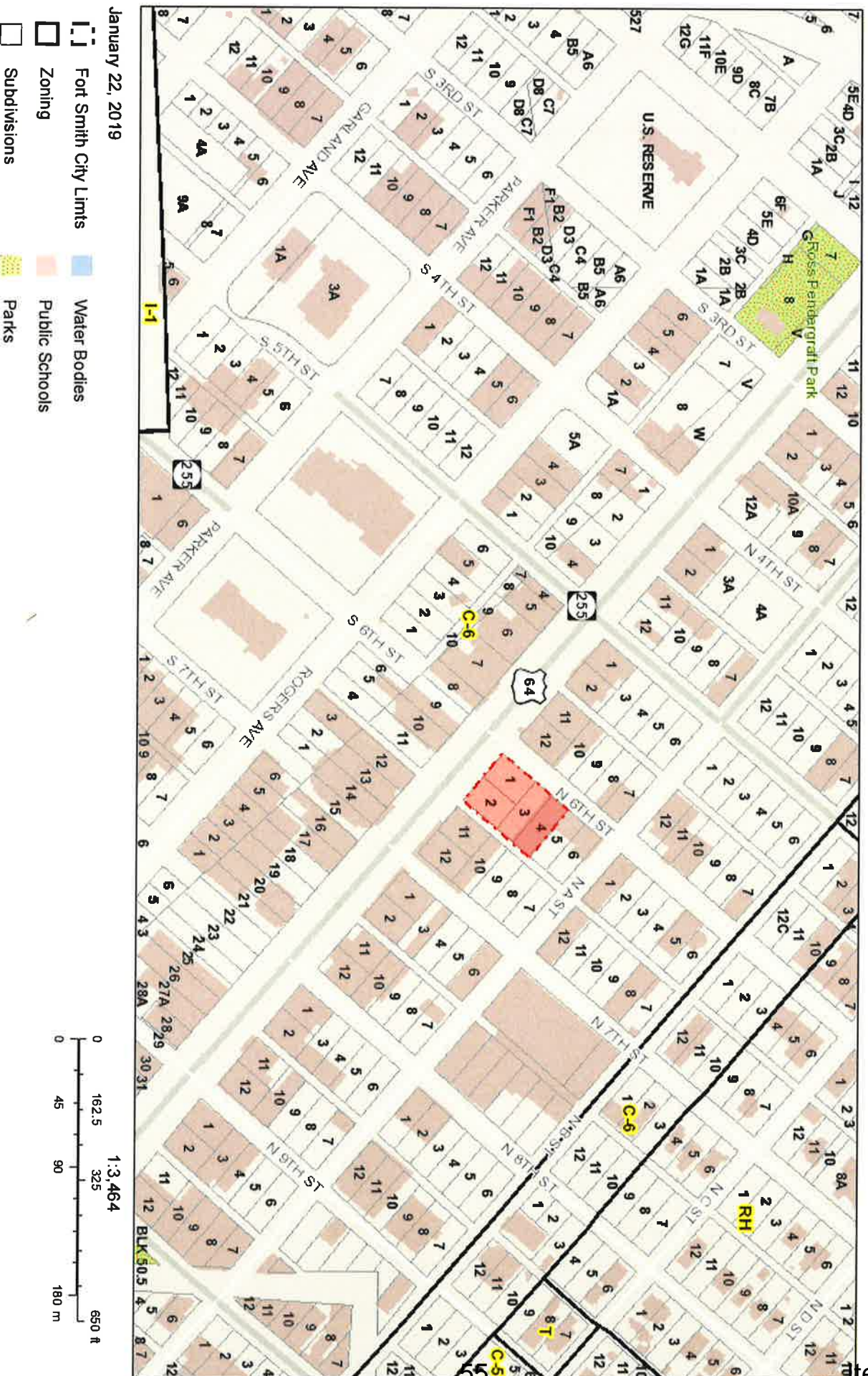
SUBJECT: Legal Description of Property

Lots 1 - 4, Block 25 of the City of Fort Smith

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

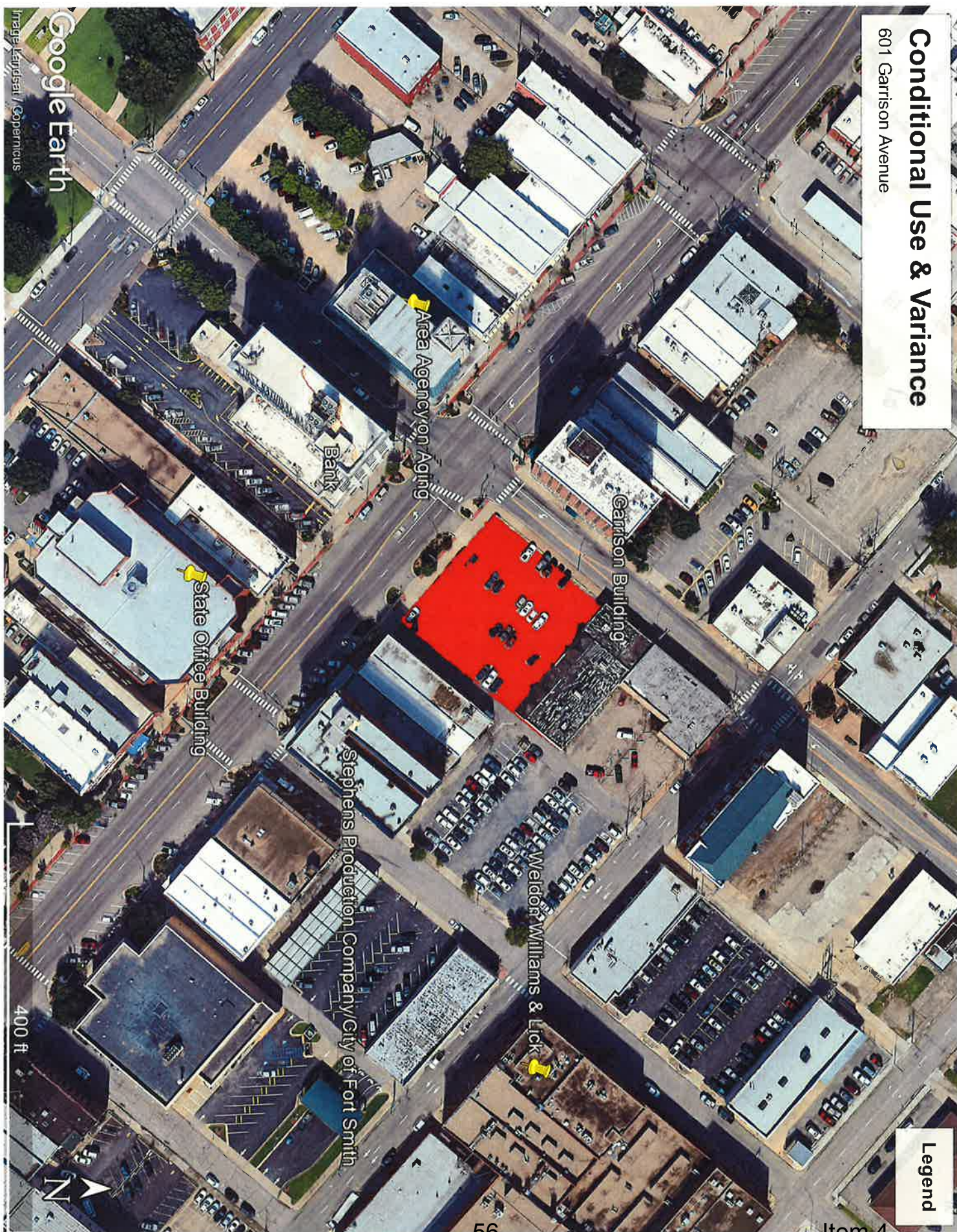
N/A

Conditional Use #4-2-19: Parking Lot Expansion 601 Garrison Avenue



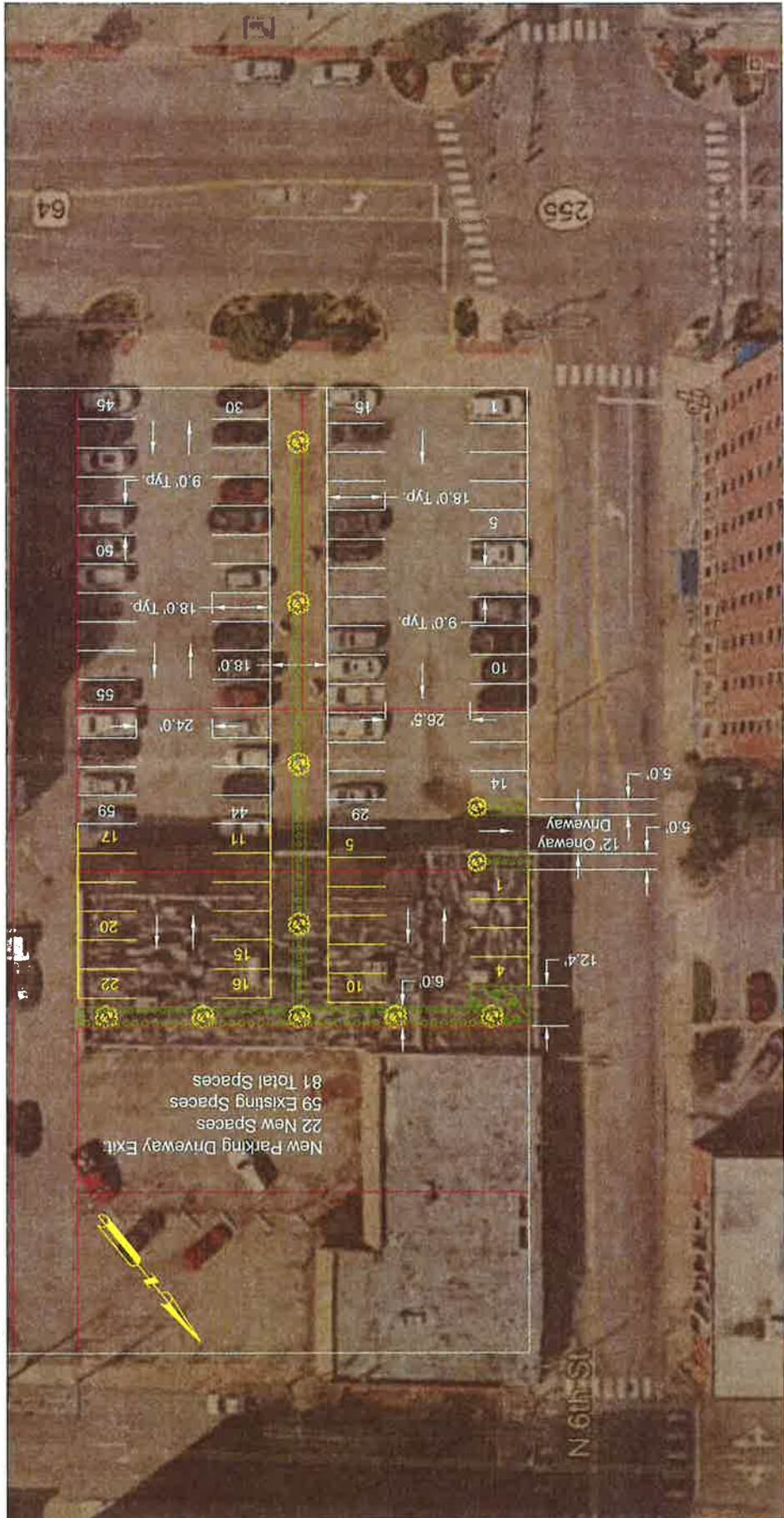
Conditional Use & Variance

601 Garrison Avenue



Legend





6th STREET & GARRISON PARKING

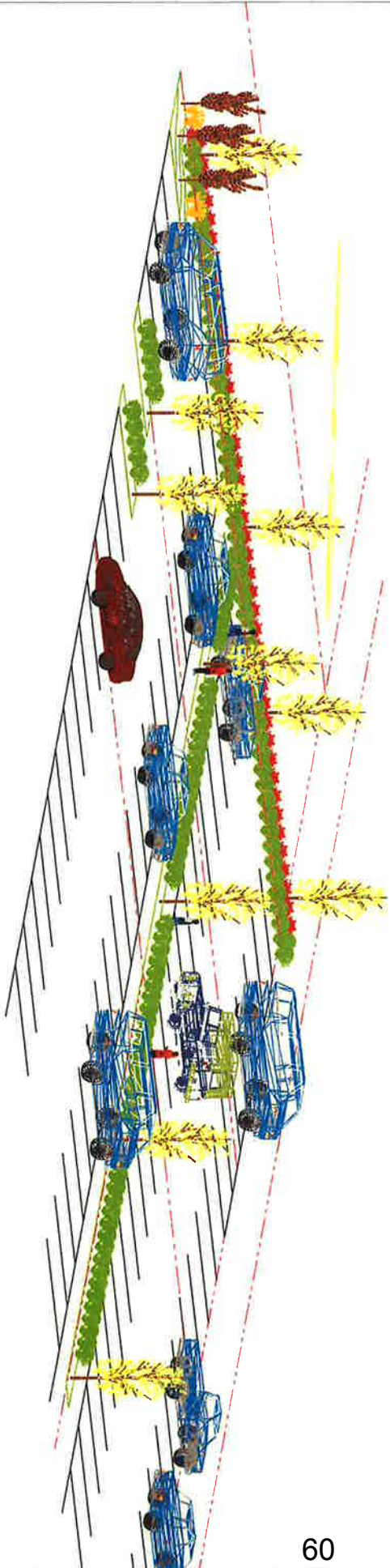




6th STREET & GARRISON PARKING
(LANDSCAPE)

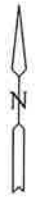


Proposed Landscaping Perspective
View Looking Easterly



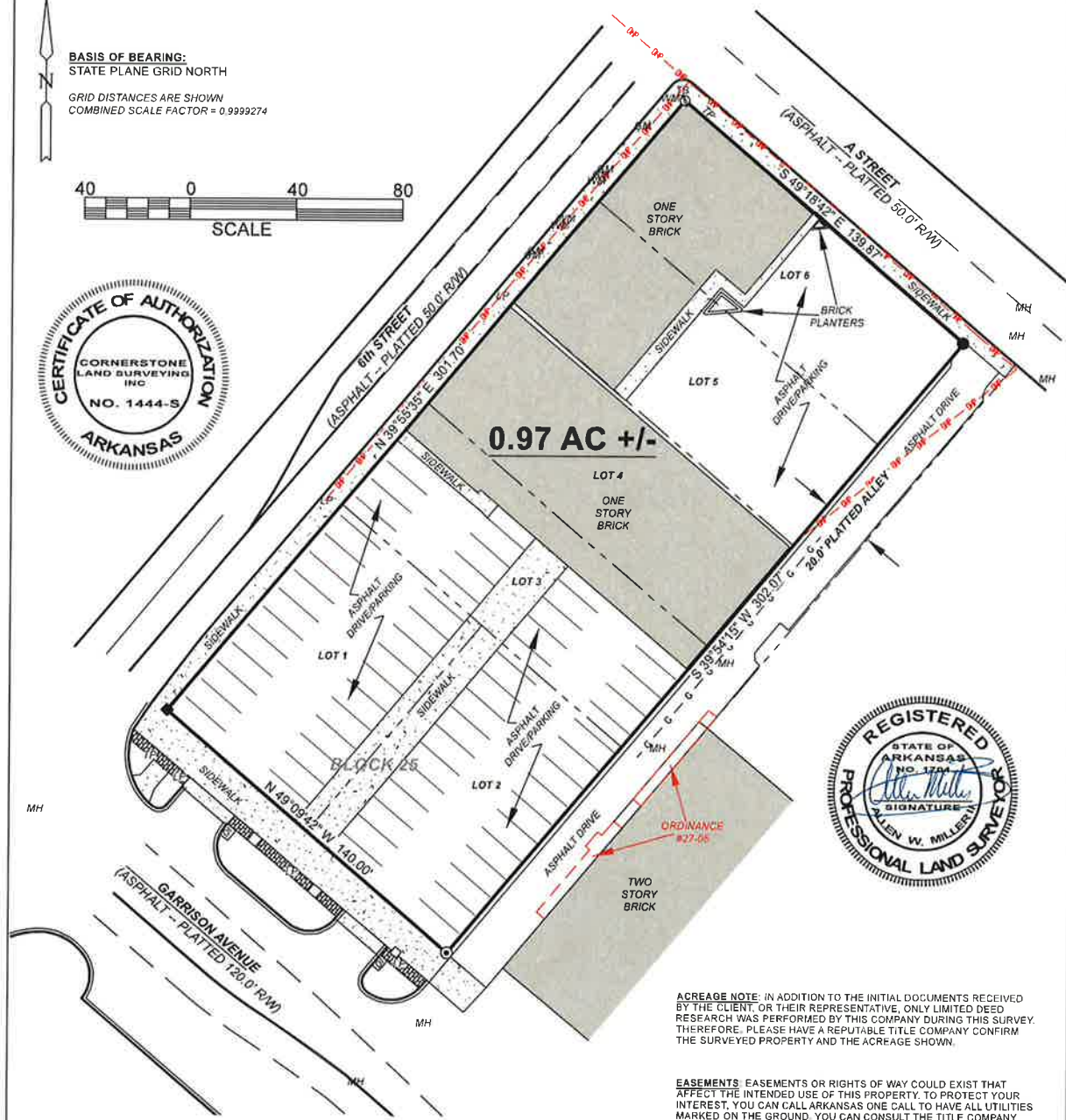
6th STREET & GARRISON PARKING

SURVEY FOR GEORGE CATSAVIS AND MADELYNE CATSAVIS REVOCABLE FAMILY TRUST



BASIS OF BEARING:
STATE PLANE GRID NORTH

GRID DISTANCES ARE SHOWN
COMBINED SCALE FACTOR = 0.9999274



ACREAGE NOTE: IN ADDITION TO THE INITIAL DOCUMENTS RECEIVED BY THE CLIENT, OR THEIR REPRESENTATIVE, ONLY LIMITED DEED RESEARCH WAS PERFORMED BY THIS COMPANY DURING THIS SURVEY. THEREFORE, PLEASE HAVE A REPUTABLE TITLE COMPANY CONFIRM THE SURVEYED PROPERTY AND THE ACREAGE SHOWN.

EASEMENTS: EASEMENTS OR RIGHTS OF WAY COULD EXIST THAT AFFECT THE INTENDED USE OF THIS PROPERTY. TO PROTECT YOUR INTEREST, YOU CAN CALL ARKANSAS ONE CALL TO HAVE ALL UTILITIES MARKED ON THE GROUND. YOU CAN CONSULT THE TITLE COMPANY FOR ANY EASEMENTS OF RECORD, OR YOU CAN UPGRADE THIS SURVEY TO AN A.L.T.A., LAND TITLE SURVEY. THIS ALLOWS US TO COORDINATE WITH THE TITLE COMPANY AND ARKANSAS ONE CALL, AND THEN SUBSEQUENTLY PLOT ANY RELEVANT EASEMENTS ON THE SURVEY PLAT FOR YOUR REVIEW.

SURVEY CERTIFICATION: THE SUBJECT PROPERTY HAS BEEN SURVEYED UNDER MY SUPERVISION IN ACCORDANCE WITH THE ARKANSAS STANDARDS OF PRACTICE FOR PROPERTY BOUNDARY SURVEYS AND PLATS. THIS SURVEY PLAT IS THE INTELLECTUAL PROPERTY OF CORNERSTONE LAND SURVEYING AND CAN BE USED IN ITS ENTIRETY BY THE CLIENT SHOWN, OR THEIR REPRESENTATIVES, WITHIN 90 DAYS OF THIS DATE:

Allen W. Miller
ALLEN W. MILLER II, PS 1704 DATE 1-25-2019

DEEDS AND SURVEYS USED: SOME OF THE DEEDS AND SURVEYS REFERENCED DURING THIS SURVEY ARE AS FOLLOWS:

- 1.) DEED BOOK 2017, PAGE 21269
- 2.) DEED BOOK 2018, PAGE 7681 OF THE COUNTY RECORDS.
- 3.) ORIGINAL TOWN OF FORT SMITH PLAT

DESCRIPTION: LOTS 1, 2, 3, 4, 5 AND 6 OF BLOCK 25 OF THE ORIGINAL CITY OF FORT SMITH, IN SEBASTIAN COUNTY, ARKANSAS, AS SHOWN ON THIS SURVEY PLAT (SURVEYED BY CORNERSTONE LAND SURVEYING ON 1-24-2019, FOR GEORGE CATSAVIS AND MADELYNE CATSAVIS REVOCABLE FAMILY TRUST, JOB# 19-119), CONTAINING 0.97 ACRE MORE OR LESS, SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.



CORNERSTONE LAND SURVEYING

1403 W. TAYLOR ST., CLARKSVILLE, AR 72830, PH# 479-705-9406
FAX# 479-705-9407, E-MAIL: jlm.cornerstone@gmail.com

DATE	1-25-2019	DRAWN BY	C. DICKERSON
SCALE	1"= 40'	JOB#	19-119
STATE CODE	500-08N-32W-0-08-200-66-1704		
CLIENT	GEORGE CATSAVIS AND MADELYNE CATSAVIS REVOCABLE FAMILY TRUST		

- FOUND IRON PIN
- ⊙ FOUND IRON PIPE
- △ FOUND IRON SPIKE
- FOUND SET STONE
- ⊠ R/W MARKER
- ▽ FOUND "T" POST
- ◇ FOUND RR SPIKE
- ⊗ FOR. SERV. MONUMENT
- ⊙ CORP MARKER
- ⊗ FND. ALUM. CAP OR MON.
- FENCE CORNER POST
- ⊙ SET 1/2" IRON PIN
- ⊙ SET PK NAIL
- ◆ SET CONCRETE NAIL

LEGEND

- ⊙ COMPUTED POINT ONLY
- ⊙ SET POST ON LINE
- ⊙ POINT OF BEGINNING
- ⊙ APPAR. LINE OF POSS.
- ⊙ FENCE
- ⊙ RECORDED DISTANCE
- ⊙ OVERHEAD POWER
- ⊙ TRAFFIC LIGHT POLE
- ⊙ TRAFFIC LIGHT BOX
- ⊙ UNDERGROUND GAS LINE
- ⊙ LIGHT POLE
- ⊙ DRAIN INLET
- ⊙ SANITARY SEWER
- ⊙ MANHOLE
- ⊙ WATER METER
- ⊙ WATER VALVE
- ⊙ RIGHT OF WAY
- ⊙ GAS METER
- ⊙ FIRE HYDRANT
- ⊙ UTILITIES
- ⊙ SET BACK LINE

Memo

To: City Planning Commission

From: Planning Staff

Date: January 28, 2019

Re: Rezoning #3-2-19 - A request by Carroll King, owner, for Planning Commission consideration of a zone request from not zoned to a Planned Zoning District (PZD) by classification at 7704, 7708, and 7714 Fort Chaffee Boulevard

PROPOSED ZONING

The approval of the zoning will allow for two existing vacant buildings to be utilized as an office, contractor shop and storage space. The third building may be utilized as one of the land uses in the PZD land use chart. The owner will also install a parking lot with landscaping on the eastern corner of the property.

LOT LOCATION AND SIZE

The subject property is on the northwest side of Fort Chaffee Boulevard between Darby Avenue and Robert's Boulevard. The tract contains an area of 1.07 acres with approximately 544 feet of street frontage along Fort Chaffee Boulevard and approximately 82 feet of street frontage along Darby Avenue.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

The property is currently Not Zoned.

SURROUNDING ZONING AND LAND USE

The area to the northwest is not zoned and developed as furniture retail sales, HVAC shop, microbrewery, and vacant buildings.

The area to the northeast is not zoned and developed as a contractor shop and vacant buildings.

The area to the southeast is not zoned and developed with vacant buildings.

The area to the southwest is not zoned and developed as a contractor shop and retail.

MASTER STREET PLAN CLASSIFICATION

Fort Chaffee Boulevard and Darby Avenue are unclassified streets.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Master Land Use Plan classifies the site as Mixed Use: Historic Area. This classification is designated to facilitate the creation of a pedestrian-friendly environment to encourage the redevelopment of the historic core into a community and/or tourist destination. This classification is intended to preserve key existing Chaffee Crossing buildings by renovations, have infill development that has a contextual relationship with surroundings, and provide amenities in the open spaces with plazas, streets, and parks to reinforce the mixed use historic area.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **A parking lot is proposed with the PZD.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **The parking lot will be accessed by a 12' driveway on Fort Chaffee Boulevard. No other driveways are proposed.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **There appears to be no safety issues pertaining to the proposed development. However, the traffic associated with some of the proposed uses could conflict with the purpose and goals of the Mixed Use: Historic Area.**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The PZD Booklet states that development will comply with the UDO Transitional and Commercial Building**

Design Standards of the UDO and the Chaffee Crossing Master Development Standards.

- E.** Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **The PZD proposes some land uses that are inconsistent with the Chaffee Crossing Redevelopment Plan which classifies this property as Mixed Use: Historic Area. Those uses include: warehouse, mini storage warehouse, electrical, plumbing, heat & air conditioning (without outside storage). The Mixed Use: Historic Area classification has been designated to facilitate the creation of a pedestrian-friendly environment to encourage the redevelopment of the historic core into a community and/or tourist destination.**
- F.** The required right-of-way dedication has been identified by the City Engineering Department? **No additional right-of-way is required.**
- G.** All easements and utilities shall meet the requirements of the approving departments and agencies? **The PZD booklet states that the site has existing water and sanitary sewer parallel to Fort Chaffee Boulevard.**
- H.** Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The PZD Booklet states that Fort Chaffee Boulevard has an existing right-of-way width of 80' and is capable of handling anticipated traffic demands for the existing use and allowable land uses.**
- I.** Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The applicant has stated that the buildings will comply with the Chaffee Crossing Master Development Guideline's facade materials and signage. The façade materials will consist of 100% of high quality materials.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The buildings are existing and are built to the edge of the property line. All ingress and egress will occur on the proposed parking lot on the northwest corner of the property.

Right-of-way dedication – No new R.O.W. dedication is required or proposed at this time.

Drainage – No drainage improvements are required for the proposed.

Landscaping & Screening – A 10' wide landscape buffer is proposed on the perimeter of the proposed parking lot adjacent to Fort Chaffee Boulevard and Darby Avenue.

Parking – A parking lot is proposed with the development.

Signage – No new signage is proposed at this time. The PZD booklet states that all signage will comply with the UDO and Chaffee Crossing Development Guidelines.

Sidewalks – No sidewalks are proposed.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Tuesday, February 5, 1:00 P.M. on site. The meeting was attended by five property owners who expressed objections to the proposal that would allow warehousing or other uses that would not facilitate the creation of a pedestrian friendly environment. A copy of the attendance record is enclosed. Mr. King has not provided staff with a summary of the meeting as required.

STAFF COMMENTS

Staff received a phone call from surrounding property owner, Randy DeCanter of 7606 Fort Chaffee Boulevard, who stated he was opposed to any zoning that would allow warehouses. Staff also received a phone call from another surrounding property owner, John Coats of 7709 Ellis Street, who attended the neighborhood meeting but stated that he did not receive a notice of the meeting. After reviewing the applicant's application, Mr. Coats was not listed as a property owner even though his property is within 300 feet of proposed zoning.

The proposed PZD has many retail and office land uses that are compatible with the Mixed Use: Historic Area. However, there are some land uses that are not compatible with this land use,

such as warehouse, contractor shop (without outside storage), min-storage warehouses, and electrical, plumbing, heat & air conditioning manufacturing and wholesale trade. These land uses would be more appropriate in Chaffee Crossing's Mixed Use: Industrial Office and Mixed Use: Business Park. Those land use classifications are described as follows:

Mixed Use: Business Park

80% Office – service industry office (construction company, medical lab, technology industry)

20% Light Industrial - small factory, supply company, service business

Mixed Use: Industrial/Office

80% light Industry – large factory (light manufacturing plant, light transport hub, distribution center)

20% Office – service industry office (warehouse, storage facility)

If the FCRA amends the land use from Mixed Use: Historic Area to an appropriate land use, that will resolve the land use classification issue but it will not resolve the concerns from surrounding property owners who have businesses that are retail oriented and oppose the proposed industrial related uses in the applicant's PZD.

Changing the land use classification creates an island, or something similar to a spot zone, of Industrial in the Mixed Use: Historic Area which may not be appropriate. A Master Land Use Plan is important as it provides direction to future specific zoning and helps to prevent problems associated with conflicting developments. Arkansas Law stipulates that a land use plan is necessary to have a rezoning ordinance. See Arkansas § 14-56-416.

STAFF RECOMMENDATIONS

Staff recommends that the application be tabled to allow the FCRA additional time to resolve the conflict with the land use classification and the proposed industrial uses. Tabling will allow the proper and complete notice to all surrounding property owners, which needs to be resolved.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

2. Address of property: 7704, 7708, & 7714 Fort Chaffee Blvd.

3. The above described property is now zoned: not zoned

4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.

5. Explain why the Planned Zoning District is requested?

The properties are not currently zoned. I would like to have my contractors shop & offices in 7704 & 7708, and leave 7714 for potential businesses.

Signed:

Carroll King
Owner or Agent Name
(please print)

Carroll King
Owner

1514 Kings Way DR. - Ft. Smith, AR or
Owner or Agent Mailing Address and 72916
Phone Number

479-461-5785
CARROLL-KING @ COX.NET

Agent

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

7704, 7708 & 7714

Address of property Fort Chaffee Blvd has filed with the Director of Planning a
(Street Address)

written application to City of Fort Smith, Arkansas, to request a zone change from

not zoned to a Planned Zoning District by classification
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen (15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

See Attached

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

Chaffee Crossing Master Development
Guidelines.

Carol H. King
Signature

(If no restrictive covenants exist, indicate "none".)*

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 7704 Ft Chaffee Blvd

Meeting Time & Date 2/5/19 1:00 P.M

Meeting Purpose P2.D

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Randy Delaney	7606 FT Chaffee Blvd	434-4969
2.	Jennifer Parks	7424 Ellis	434-6554
3.	Kathy Keren	7606 Ft Chaffee Blvd	918-35-2352
4.	John Coats	7709 Ellis St	475-461-4316
5.	Quentin Willard	7500 Ft Chaffee Blvd	401-572-9856
6.			
7.			
8.			
9.			
10.			
11.			

CHAFFEE CROSSING RE-DEVELOPMENT OF
BUILDINGS 310, 311, & 312
PLANNED ZONING DISTRICT APPLICATION

PROJECT: Reuse of buildings 310, 311, & 312 Fort Chaffee Blvd.

LOCATION: 7704, 7708, & 7714 Fort Chaffee Blvd.

OWNER: KING MANAGEMENT, INC.

CARROLL KING

11514 KINGS WAY DRIVE

FORT SMITH, AR 72916

TO: CITY OF FORT SMITH

623 GARRISON AVE.

FORT SMITH, AR 72902

ENGINEERS: N/A

DATE: January 17, 2019

CHAFFEE CROSSING RE-DEVELOPMENT OF

BUILDINGS 310, 311, & 312

PLANNED ZONING DISTRICT APPLICATION

1a. Need for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.

The purpose that I bought the buildings is to supply an office area and shop space for my electrical and HVAC businesses and space for storage. The possible uses for the remaining space are the majority of permitted uses in the Commercial Light (C-2) zoning district except uses such as warehouse, contractor shop W/O outside storage, flea market (inside), mobile food services, parking lot (commercial), electrical, plumbing, heat & air conditioning W/O outside storage, mini warehouses, and glass sales and service.

1b. Current ownership information, (landowner/applicant and representative of applicable) and any proposed or pending property sales.

Carroll King

11514 Kings Way Drive

Fort Smith, AR 72916

1c. Comprehensive description of the scope, nature, and intent of the proposal.

The planned zoning will allow for the renovation of old offices to be upgraded and also have necessary contractor office and shop space.

1d. General project concept:

i. Street and lot layout

See attached survey.

ii. Site Plan Showing Proposed Improvements.

See parking plan with landscaping incorporated.

iii. Buffer area, screening and landscaping.

All future development will comply with the landscaping and screening requirements of the UDO.

iv. Storm water detention areas and drainage.

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

v. Undisturbed natural areas – N/A

vi. Existing and proposed utility connections and extensions

All utility connections already exist to the building.

vii. Development and architectural design standards.

Development will comply with the general design standards of the UDO and Chaffee Crossing Master Development Guidelines. Onsite parking spaces will be provided on the gravel area located east of building 310. (Please refer to the attached parking plan).

vii. Building elevations

Buildings already exist. See attached pictures.

viii. Proposed signage (type and size)

All signage will comply with UDO and Chaffee Crossing Master Development Guidelines.

1e. proposed development phasing and time frame.

To begin first quarter 2019.

1f. Identify land use designations

The property is located within the Mixed Use: Historic Area

1g. Identify area and bulk regulations.

Minimum building separation- Shall be determined by the current city building and fire codes.

Maximum building height. 40 ft.

Additional Height Section 27-404D-2 of the UDO. A structure may not be more than the maximum allowable feet high at the minimum setback lines, but for each additional foot of horizontal setback in excess of the minimum from all setbacks, the height may be increased by one foot. The height of a babbled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.

Setbacks:

Front	0 in.
Side	0 in.
Rear	0 in.
Street side	15'

1h. A chart comparing the proposed land uses and the zoning district(s) requirements (Land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)

The property is currently not zoned.

1i. A chart comparing the proposed land uses and the zoning districts(s) where such land Uses are permitted.

See Chart 1 Planned Zoning District Permitted Land Uses vs. Existing Zone Designations

1j A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.)

The signs will comply with the Chaffee Crossing Master Development Guidelines. Also, the facades of the buildings will comply with Chaffee Crossing Master Development Guidelines and will consist of 100% of high quality materials.

1k Statement of how the development will relate to the existing and surrounding properties in terms of land used, traffic, appearance, and signage.

The properties in the vicinity have a Land Use of Mixed Use- Historic area.

The proposed PZD uses will include small offices, contractor shops, hobby shops, and material storage space.

Traffic will not be impacted in an adverse manner.

1l. a traffic study when required by the Engineering Department.

The City Engineering Department has indicated that a traffic study will not be required.

1m. Statement of availability of water and sewer.

Public Lines

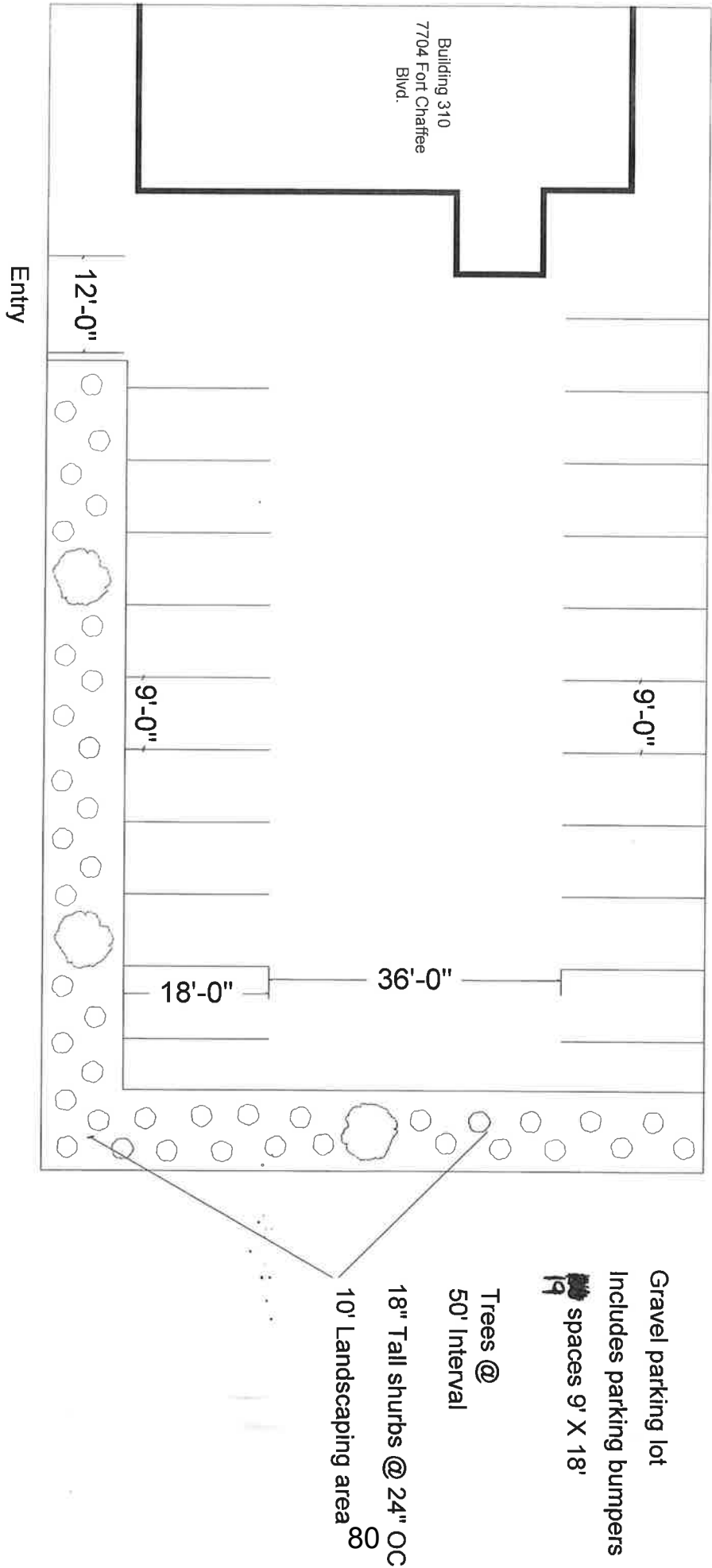
An 8" water line runs along the west side of the property parallel to Fort Chaffee Blvd.

An 8" sewer line runs along the east side of the property parallel to Fort Chaffee Blvd.

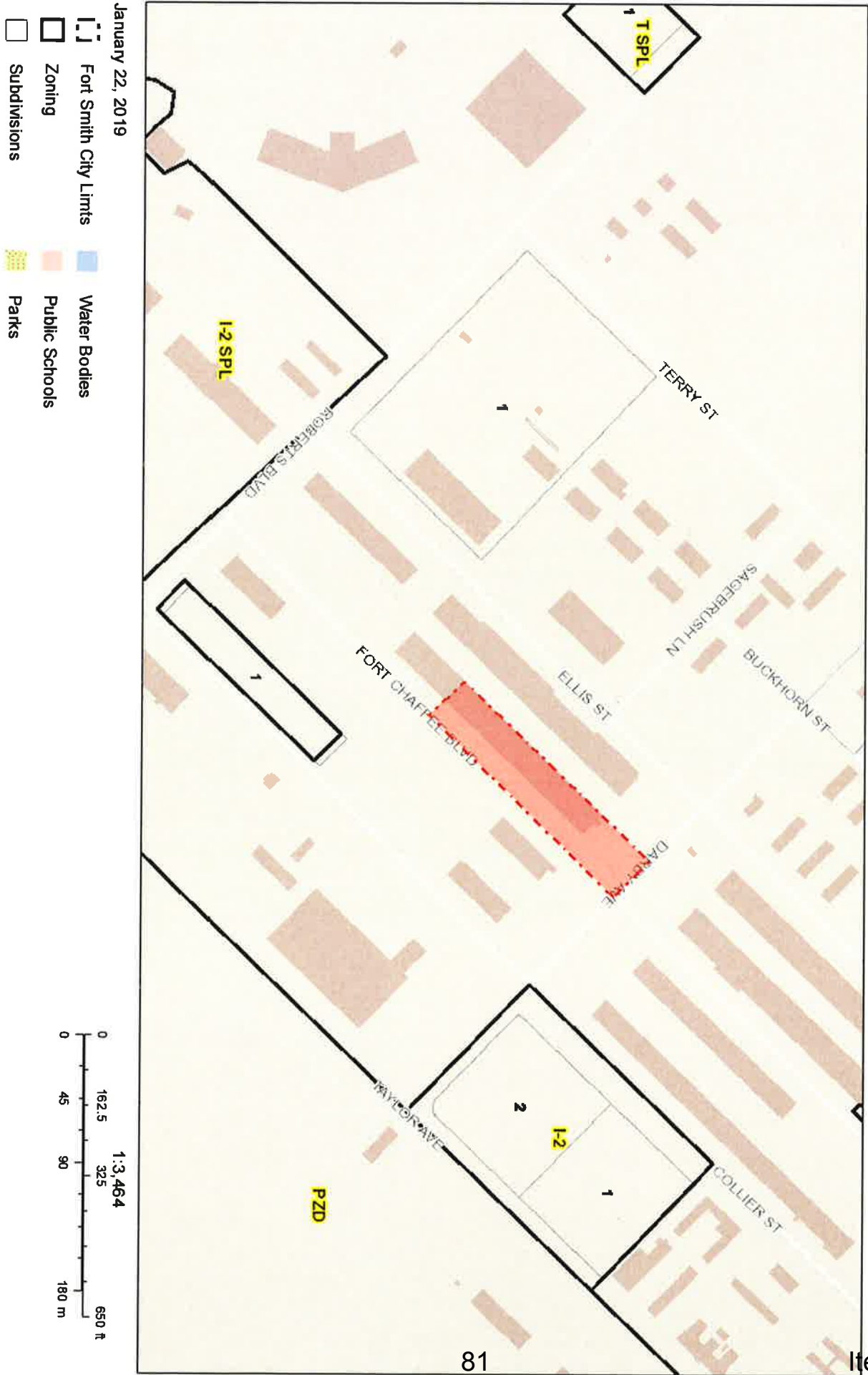
A 6" public fire line and hydrant runs along the west side of the property parallel to Fort Chaffee Blvd.

[illegible]

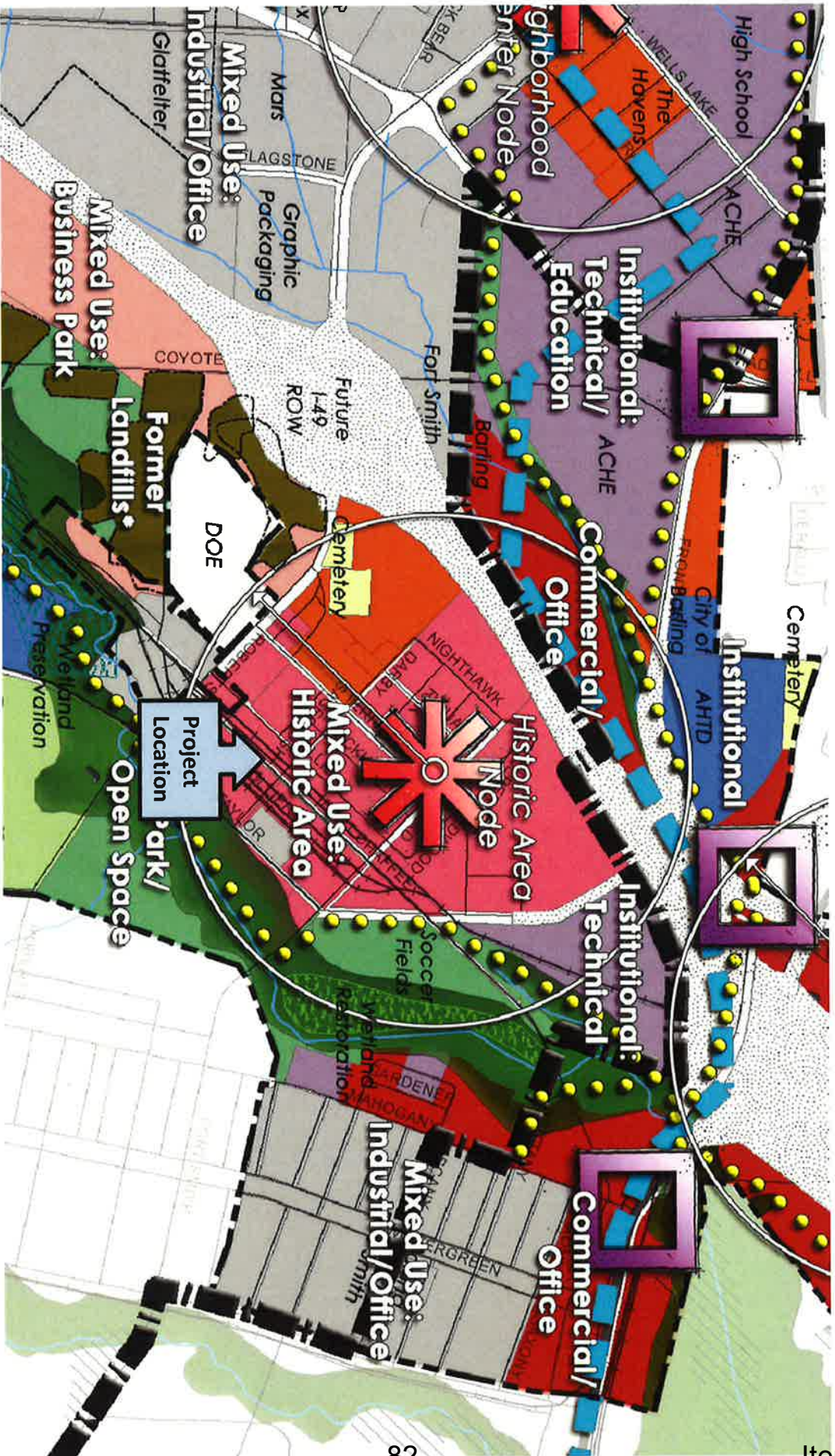
79



Rezoning #3-2-19: From Not Zoned to Planned Zoning District (PZD) 7704, 7708 and 7714 Fort Chaffee Boulevard



Chaffee Crossing Future Land Use Map



Rezoning

7704, 7708 and 7714 Fort Chaffee Boulevard



Ward Avenue

Legend

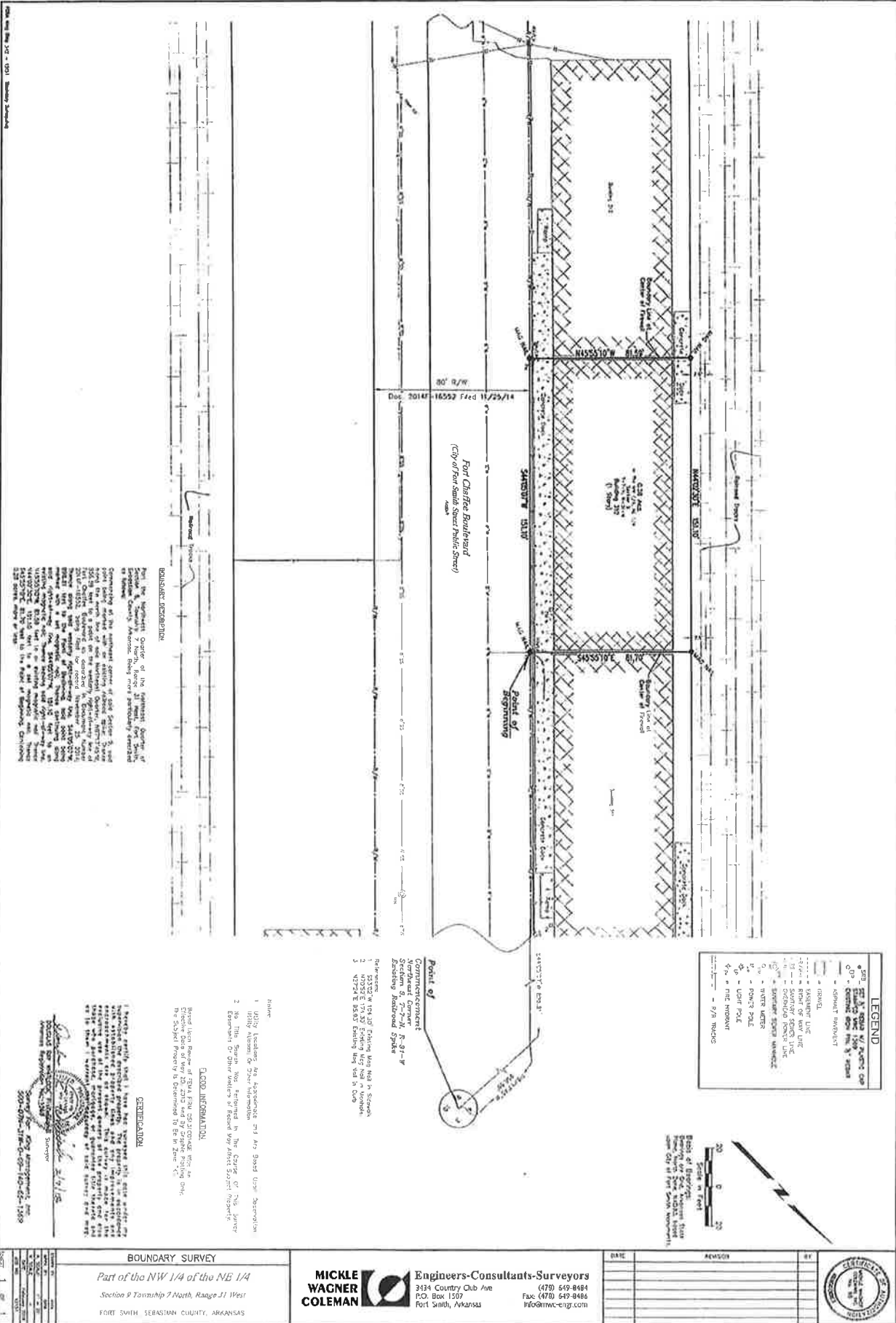


Exhibit "A"

Property

(Drawing for reference purposes only. Full legal description and survey to be provided prior to closing.)

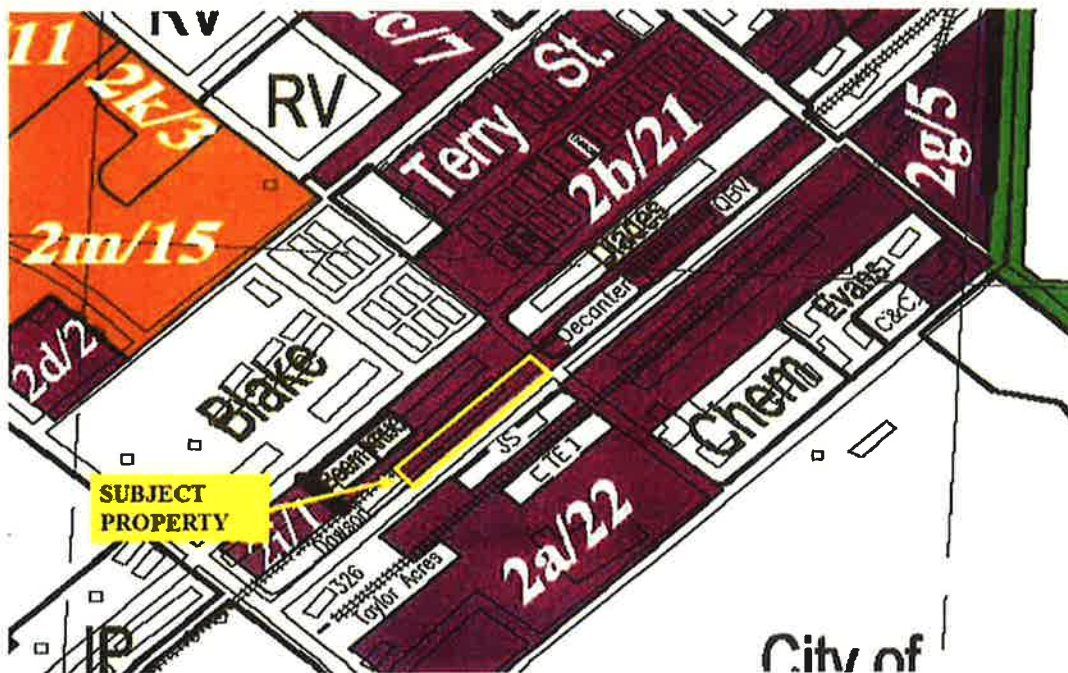
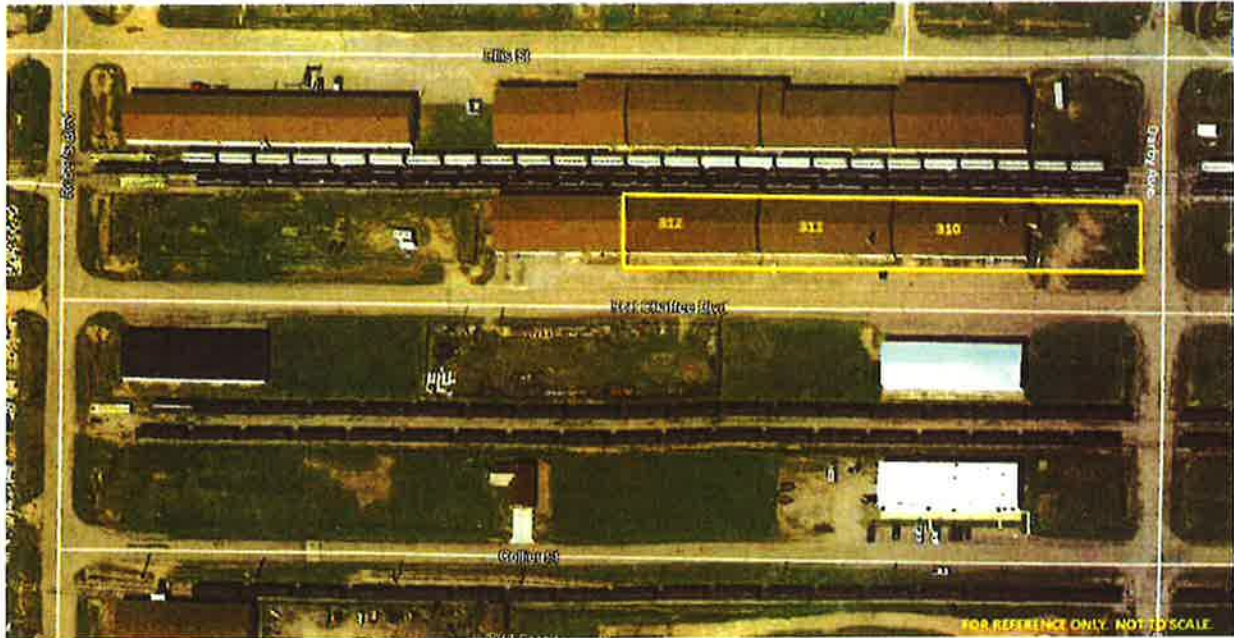
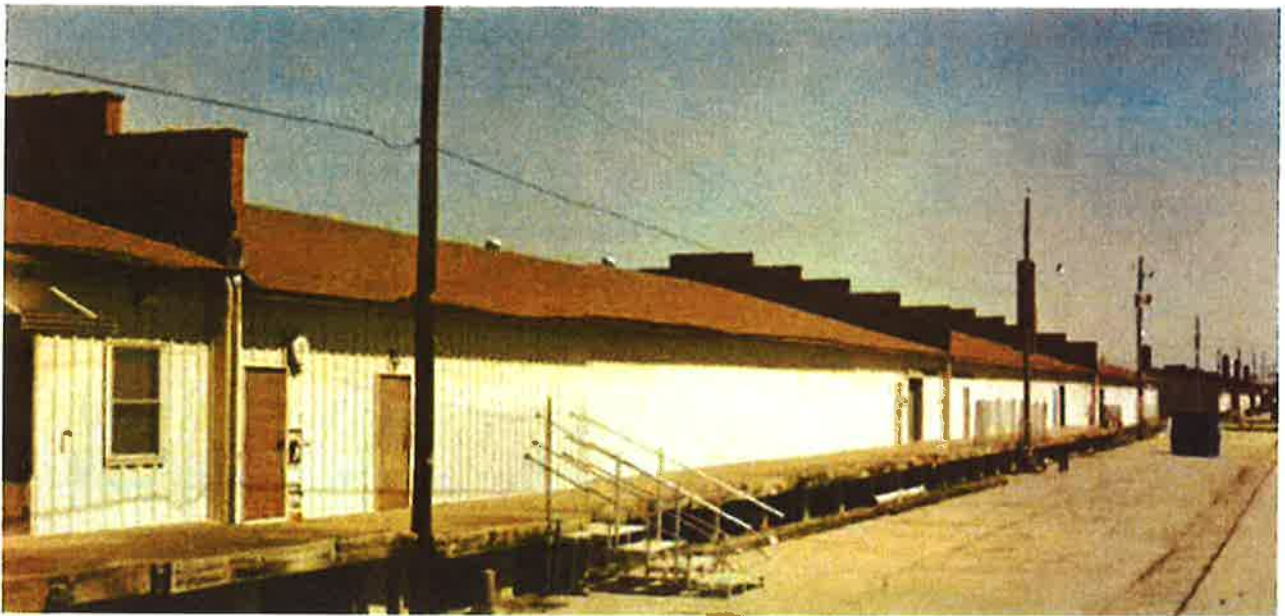


Exhibit "B"
Property Photos



Memo

To: City Planning Commission

From: Planning Staff

Date: January 25, 2019

Re: Conditional Use #5-2-19 - A request by Tony Leraris, agent, for Planning Commission consideration of a Conditional Use request to develop a restaurant (with outdoor dining) at 4120 Rogers Avenue

PROPOSED CONDITIONAL USE

The approval of the requested Conditional Use will allow for the remodel of an existing facility for a restaurant with 84 seats indoors and a deck with 30 seats for outdoor dining.

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Rogers Avenue and South Albert Pike Avenue. The tract contains an area of 1.60 acres with approximately 237 feet of street frontage along Rogers Avenue and approximately 215 feet of street frontage along South Albert Pike Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2).
Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Collector or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Neighborhood (C-1) and Residential Multifamily Medium Density (RM-3) and developed as a donut shop and a bed and breakfast.

The area to the east is zoned Commercial Light (C-2) and developed as a bank and a shopping center.

The area to the south is zoned Commercial Light (C-2) and developed as condominiums.

The area to the west is zoned Commercial Light (C-2) and developed as offices and a restaurant.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Rogers Avenue as Major Arterial and South Albert Pike Avenue as Residential Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification provides opportunities for business transactions and activities and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The site has two existing driveways and no changes are proposed.

Easement/utilities – No additional utilities are easements are required.

Landscaping – The parking lot has three existing landscape islands. There are also existing trees on the east side of the property that will remain. No additional landscaping is required or proposed.

Parking – The site contains 86 parking spaces and will accommodate the proposed restaurant. If the site cannot accommodate the required minimum parking spaces for a future land use, a variance will be required for parking. This was a stipulation of the building permit issued to the owner for the interior remodel of the building. A copy of the building permit sign-off sheet is enclosed.

Signage – No signage is proposed at this time. All signage will require departmental review and approval.

Lighting – No lighting is proposed. All exterior lighting shall comply with the UDO Commercial and Outdoor Lighting regulations.

Architectural Features – The deck will be wood frame with cedar posts and wire fencing. No changes are proposed for the exterior of the existing building.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Monday, February 4, 2019, at 4120 Rogers Avenue (proposed new Joe's at Williamsburg Square). One surrounding property owner attended the meeting and had no objections.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. All lighting shall comply with the UDO Commercial and Outdoor Lighting Regulations.
3. All signage shall be submitted for review and approval.

Conditional Use # 5-2-19

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Sinclair Armstrong

Name of Authorized Agent (if applicable) Anthony S. Leraris - architect

Legal Description of property included in the conditional use request:

see attachment

Street Address of Property:

4120 Rogers Ave. Fort Smith AR

Existing Zoning Classification:

C-2

Proposed Zoning Classification (if applicable):

N. A.

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

construction of a wood framed deck on the east side of existing building.

What amenities are proposed such as landscaping and screening?

None - existing grove of mature pine trees are to remain.

Anthony S. Leraris
Owner or Agent Name (please print)

Signed:

907 S. 21st Fort Smith, AR

Owner or Agent Mailing Address 72901

Owner

Or

(479) 783-8395

Owner or Agent Phone Number

Anthony S. Leraris
Agent

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

see attachment

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

N/A

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a conditional use by application do hereby authorize Anthony Lerario to act as our agent in the
(Print Name of Agent)
matter.

(Type or clearly print)
NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. <u>Sinclair Armstrong</u>	<u>Sinclair Armstrong</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

This form is necessary only when the person representing this request does not own all the property.

Building Permit Sign Off
4120 Rogers Avenue - Proposed Restaurant

The following are conditions for the issuance of a building permit for interior renovations at 4120 Rogers Avenue for a restaurant (Joe's Pizza):

1. I agree that no construction will commence on a deck at this site for outdoor dining until I have received approval from the Fort Smith Planning Commission for a conditional use permit for outdoor dining and approval from the Board of Zoning Adjustment if the deck does not comply with minimum setback requirements.
2. I understand that the required minimum number of parking spaces must be provided for all future uses on the site. If the required minimum number of parking spaces cannot be provided for a future land use, I understand that I must submit a variance application for consideration by the Fort Smith Board of Zoning Adjustment.

Signature:

Sinclair W. Armstrong Jr

Sinclair Armstrong, Property Owner

P. O. Box 207

Vian, OK 74962

Date:

Jan 17 2019

ACKNOWLEDGEMENT

STATE OF ARKANSAS)

) SS

COUNTY OF SEBASTIAN)

On this 17th day of January, 2019, before me, the undersigned notary public, personally appeared, Sinclair Armstrong, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

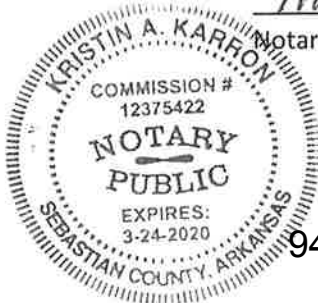
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Kristin A. Karron

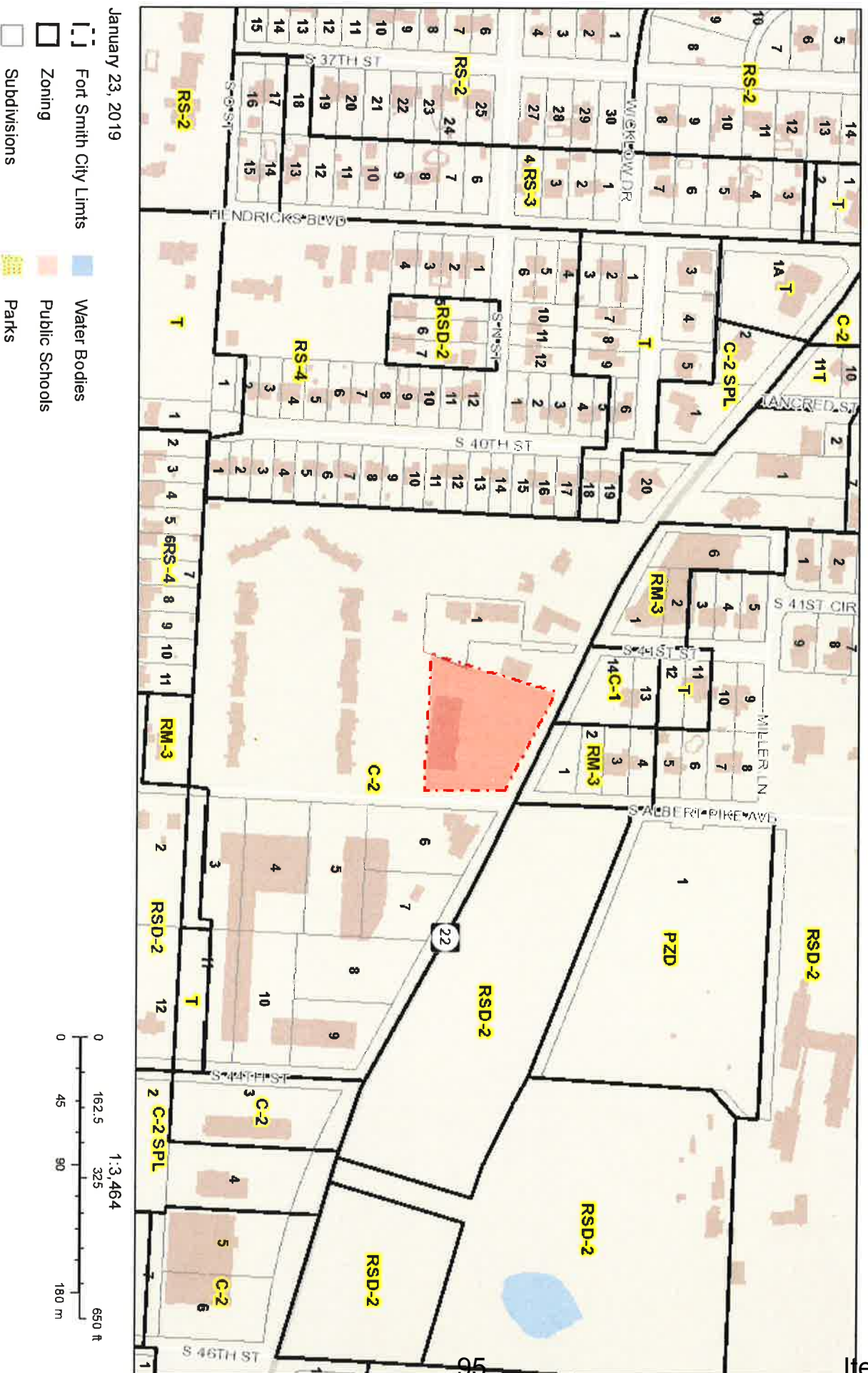
Notary Public

My Commission Expires:

March 24, 2020



Conditional Use #5-2-19: Restaurant (with outdoor dining) 4120 Rogers Avenue



Conditional Use

4120 Rogers Avenue

9th Street

Single Family

Existing Monastery

Single Family

Single Family

Donut Shop

Bed & Breakfast

Proposed Rezoning

Retail/Offices

Bank

Residential

Apartments

Greenpoint Shopping Center

Braum's

Shopping Center

Residential

Google Earth

Image Landsat/ Copernicus

Legend

1000 ft





LEGEND	Revisions
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PROPERTY SURVEY
PART OF THE NE/4 OF THE NE/4
SECTION 22, T-8-N, R-32-W
SEBASTIAN COUNTY, ARKANSAS

Date: 12/13/2017
Drawn By: TMC
Computed By: DPB
Job No. 17-0333
Filed

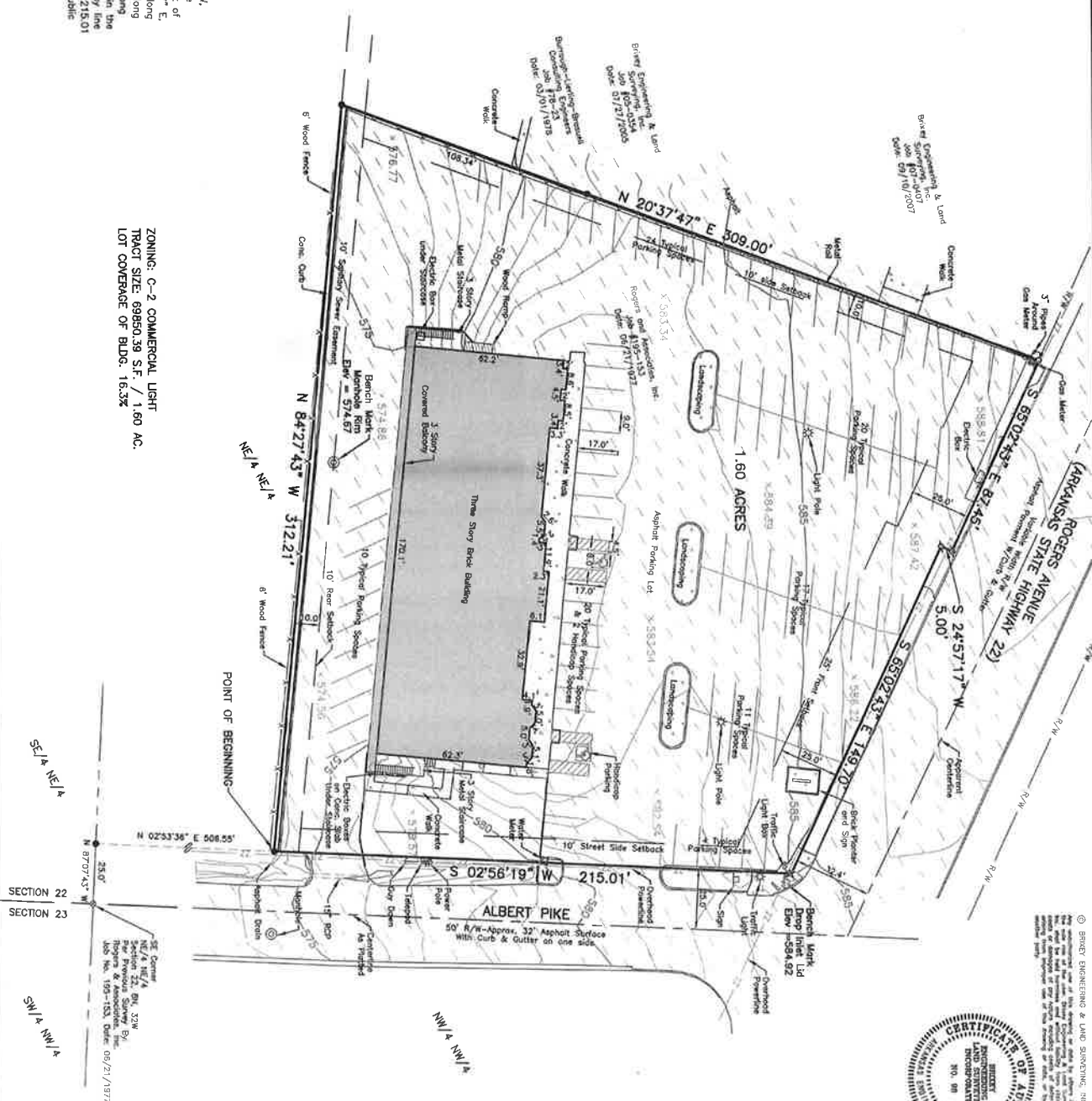
500-08N-32W-0-22-110-65-0988

1. BASIS OF BEARING: Assumed N 87°07'43" W along South line of the NE ¼ of the NE ¼ Section 22, BN, 32W.
2. BASIS OF ELEVATION: City of Fort Smith Control Monument. (NAD 83)
3. All building, surface and subsurface improvements on and adjacent to the site are not necessarily shown.
4. Surveyor has made no investigation or independent search for encumbrances of record, encroachments, relative covenants, ownership, title evidence or any other facts which on accurate and current title search may disclose.
5. SURETY BASED UPON: found monumentation, previous survey by Rogers and Associates, Inc. Job #193-153, Date 08/21/1977, Professional License—Brennall Consulting Engineers Job #78-03-254 01/1978; Boney Engineering & Land Surveying Job #05-0354 Date 07/27/2005 and Bivvy Engineering & Land Surveying Job #07-0407 Date 09/10/2007, and per instructions from client.
6. From the Flood Insurance Rate Map for Sebastian County, Arkansas and Incorporated Areas Map No. 05131C0110F, Effective March 02, 2012, this property does not lie in a Flood Hazard area.

SURVEY DESCRIPTION – 4120 Rogers Avenue, Fort Smith, Arkansas
 Part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 22,
 Township 8 North, Range 3 West, Sebastian County, Arkansas being more particularly
 described as follows:

Commencing at the Southeast Corner of said NE/4 of the NE/4; thence N 87°07'43" W,
 25.00 feet along the South line of said NE/4 of the NE/4 to an existing rebar; thence
 E 90°00'00" S, South line N 02°53'38" E, 506.55 feet to an existing rebar being the Point of
 Beginning; thence N 84°77'43" W, 312.21 feet to an existing rebar; thence N 20°37'47" E,
 300.00 feet to a set mark on the South right of way line of Rogers Avenue; thence along
 said right of way line S 65°02'43" E, 87.45 feet to a set PK nail; thence continuing along
 said right of way line S 28°02'43" E, 149.70 feet to a chained "X" in concrete being in the
 said right of way line N 02°53'38" E, 506.55 feet to an existing rebar; thence N 84°77'43" W,
 312.21 feet to an existing rebar; thence N 20°37'47" E, 300.00 feet to a set mark on the
 South right of way line of Rogers Avenue; thence along the West right of way line
 of Albert Pike; thence along said West right of way line of Albert Pike S 02°45'19" W, 215.0
 feet to the point of Beginning, containing 1.60 Acres more or less, being subject to public
 road rights of way and any easements of record.

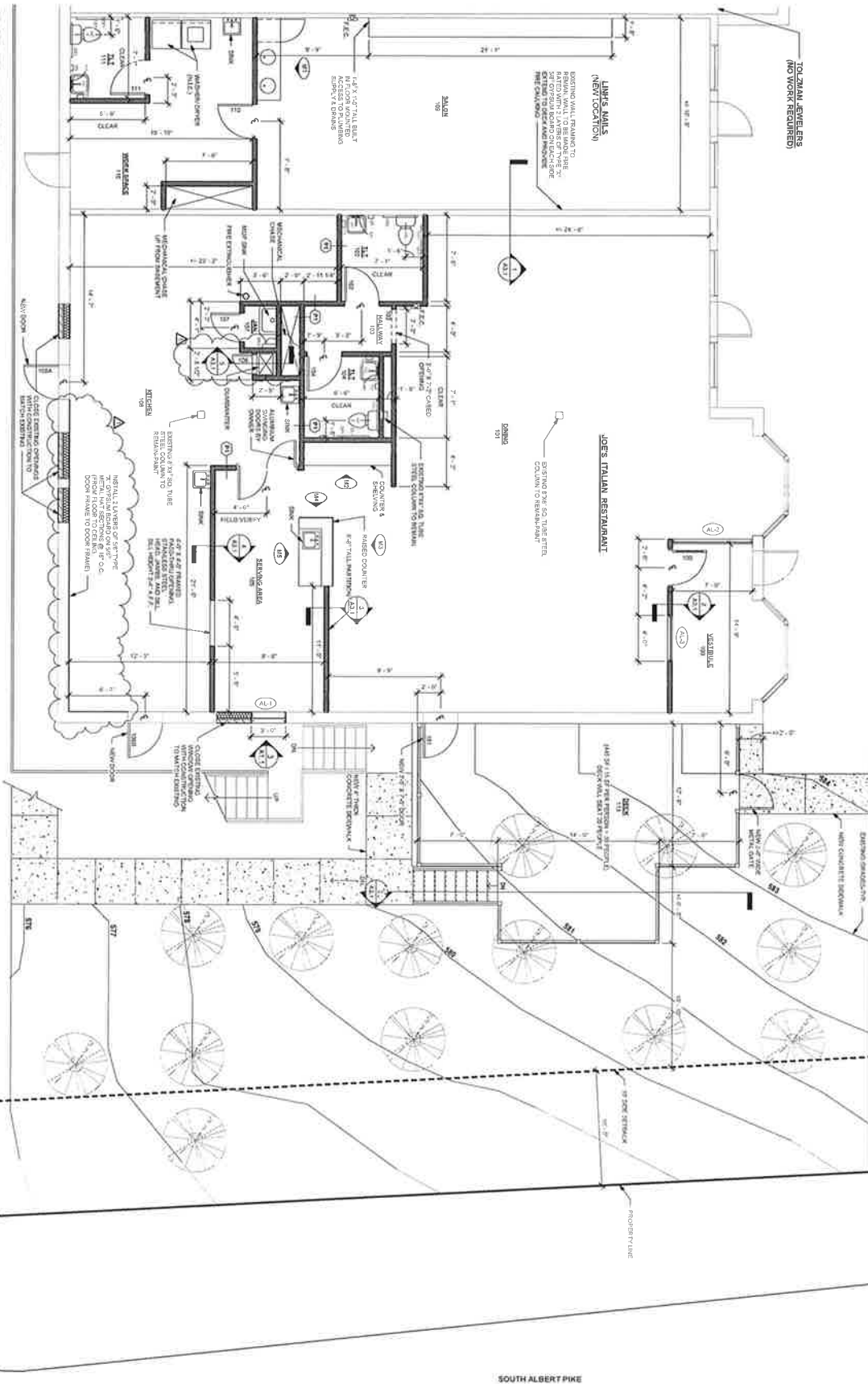
ZONING: C-2 COMMERCIAL LIGHT
TRACT SIZE: 69850.39 S.F. / 1.60 AC
LOT COVERAGE OF BLDG. 16.3%



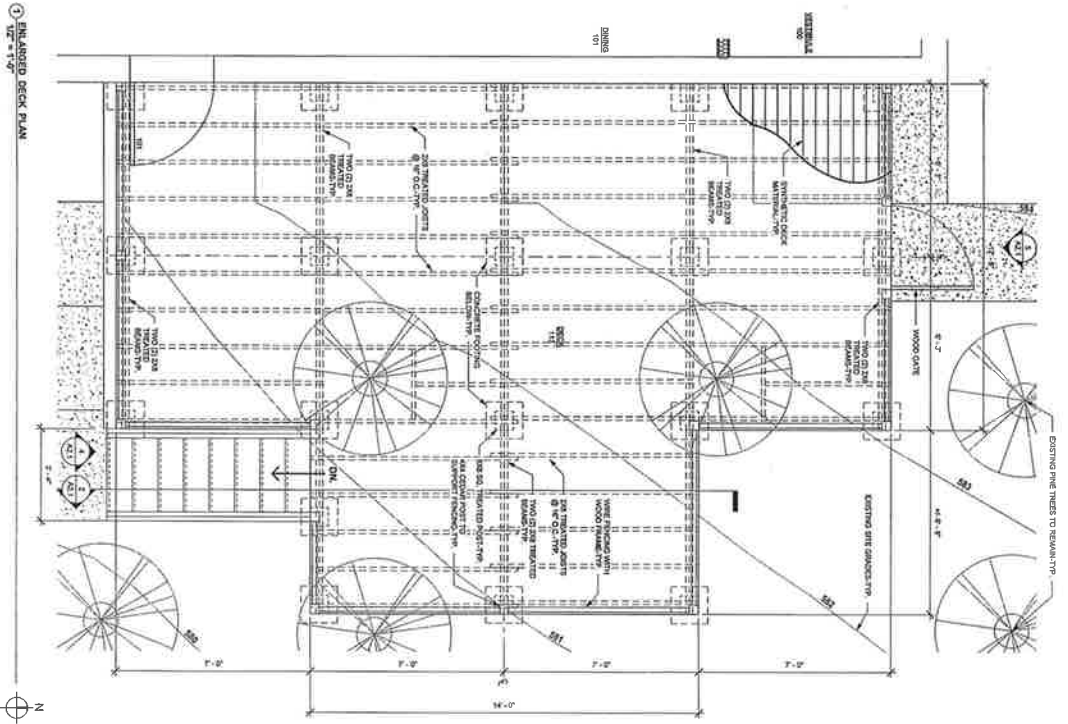
the undisturbed use of this device or data by others is of the sole use of the user. Since Engineering & Land Surveyors, Inc. shall be held harmless and shall hereby have, defend, protect and indemnify all persons, firms, corporations, associations or groups of persons, including state or federal government, from and against all claims, damages, losses, costs or expenses, including reasonable attorney's fees, arising from improper use of this drawing or data, or by another party.



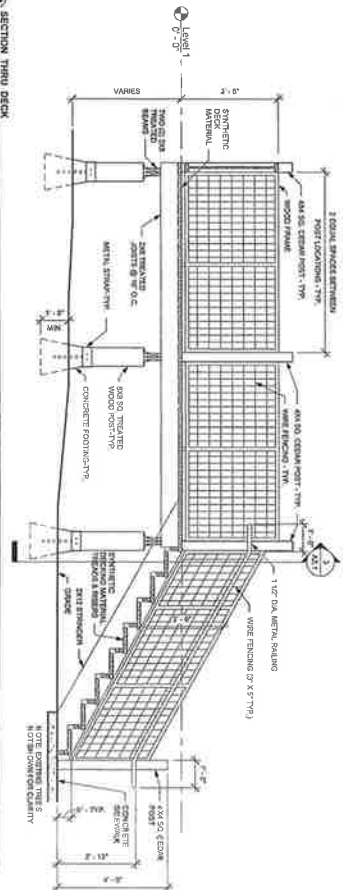
REVISED LEVEL 1 GROUND LEVEL PLAN
116-24



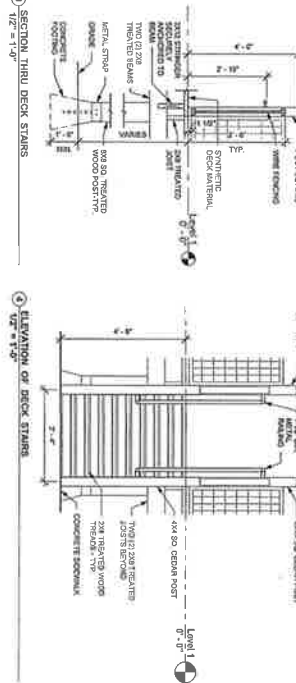
① ENLARGED DECK PLAN
1/2" = 1'-0"



③ SECTION THRU DECK
1/2" = 1'-0"

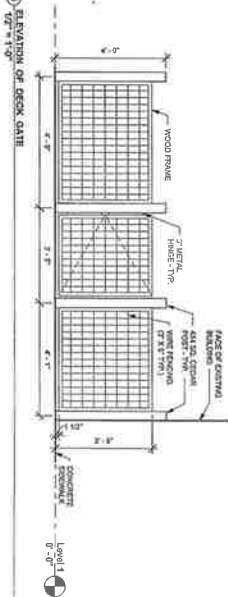


② SECTION THRU DECK STAIRS
1/2" = 1'-0"



④ ELEVATION OF DECK STAIRS
1/2" = 1'-0"

⑤ ELEVATION OF DECK GATE
1/2" = 1'-0"



SIGN-IN SHEET

Project: Interior Renovations to Williamsburg Square, 4120 Rogers Avenue

Date: February 4, 2019

Purpose: Conditional Use Permit for Outdoor Dining

Location: 4120 Rogers Ave, 5:30 PM

Print Name

Date

1. Tony Lerani's

2.4.19

2. Perry Backer

3. Brendan Angus

2-4-19

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

From: Tony Leraris [mailto:Tony@archplusinc.net]
Sent: Tuesday, February 05, 2019 10:49 AM
To: Andrews, Brenda
Subject: RE: Sign in sheet

The meeting was scheduled for 5:30 p.m., Monday, February 4th at the proposed new location for Joe's Restaurant at 4120 Rogers Ave., Fort Smith, AR.

I was in attendance, as well as Brenda Andrews with the Planning Department of the City of Fort Smith.

Although numerous letters to the adjacent property owners had been mailed weeks before, only one lady, Penny Packard, came to the empty shop to see the plans and hear the description of the proposed outdoor dining deck. She seemed to like what she saw as well as what she heard.

By 6:00 p.m. it was obvious no one else was going to make an appearance, so we left the building where I locked the door behind us.

Respectfully submitted,

Tony Leraris AIA
Architecture Plus, Inc.